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LOCUS STANDI.

LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS.

A

TREATISE

ON THE

LOCUS STANDI

OF

PETITIONERS AGAINST PRIVATE BILLS

IN

PARLIAMENT.

BY

JAMES MELLOR SMETHURST, Esq.

OF TRINITY COLLEGE, CAMBRIDGE, M.A.,
AND OF THE INNER TEMPLE, BARRISTER-AT-LAW.

LONDON:

STEVENS AND HAYNES,

Law Booksellers and Publishers,

11, BELL-YARD, TEMPLE BAR.

1866.

PREFACE.

IT is generally admitted that the practice of Parliament with regard to the admission or rejection of the right of a petitioner to be heard against a Private Bill affecting his property or interests, has hitherto been most unsatisfactory; and even were it conceded that, in every case where a petitioner has been allowed or refused a *locus standi*, the decision of the committee has been a proper one, it would still be clear to all that the present system in the House of Lords, and the former one in the House of Commons, have been the cause of enormous and unnecessary expense both to the promoters of private bills and to the petitioners against them. In many cases the legal advisers of petitioners were unable to make more than a mere guess as to whether their *locus standi* would be allowed or disallowed; so that both the promoters of a bill and its opponents had to prepare their respective cases, bring up professional

and other witnesses, and keep them in London, in many instances for days and weeks together, on the chance of committees allowing a *locus standi* to the petitioners; all which expense had been incurred in vain if the *locus standi* were eventually refused. And as no one could predicate the decision of a committee on this point, it was often thought advisable for a petitioner to incur this expense, even if he had very little chance of a *locus standi* being allowed to him, in order to induce the promoters of a bill to make a compromise.

Notwithstanding the great attention paid by committees in the consideration of questions of *locus standi*, it is perfectly clear that there was no uniformity in their decisions. Before one committee, a petitioner was allowed to be heard on the ground of competition; before another, a petitioner with a precisely similar case was refused a hearing. Before one committee, a *locus standi* was allowed to a shareholder on his petition against a bill promoted by a company of which he was a shareholder; before another, it was refused; and, although it is quite true that the two Houses of Parliament have, from time to time, passed various Standing Orders to regulate the practice of *locus standi*, nevertheless there are many cases in which great uncertainty still prevails.

In the last session of Parliament, however, the Court of Referees was appointed by the House of Commons to consider and decide upon various questions relating to private bills, and (*inter alia*) as to the *locus standi* of parties petitioning against them; and now a decision on this point is come to before the merits of the bill itself are taken into consideration. This has, of course, greatly curtailed the expense of all parties, whether promoting or opposing private bills; and, although it is doubtful at present whether the powers of the referees will be enlarged or reduced, it seems perfectly settled that all questions of *locus standi* will continue to be decided by them.

As the decisions of committees with regard to the *locus standi* of petitioners were so various and conflicting, it was fomerly useless to quote them as precedents, and no regular report of them was published Since, however, the establishment of the Court of Referees, the proprietors of the *Law Times* have furnished regular reports of their decisions, which have been of great service to the profession; and we may hope soon that the general principles as to the *locus standi* of petitioners will be so far settled, that we may be able to predicate almost to a certainty in every case whether the *locus standi* of a petitioner will be allowed or refused.

The object of the following pages is to present a concise, yet complete, view of the present practice of Parliament with respect to the *locus standi* of petitioners against private Bills; and I have endeavoured to carry out this object by reviewing in different chapters relating to each branch of the subject the cases that have been decided by the Referees, and also by Committees of the House of Lords, and by showing, in as condensed a form as possible consistent with clearness, the principles of each decision. I have also added a short report of every case referred to in the treatise, and such of the Standing Orders of both Houses as bear upon the subject.

The reader will perceive that I have not only made frequent reference to the cases reported in the *Law Times*, but have also referred occasionally to the earlier cases reported by Mr. May, in his valuable work on Parliamentary Practice.

J. MELLOR SMETHURST.

23, PARLIAMENT STREET, WESTMINSTER,
25th January, 1866.

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CHAPTER 1.

GENERAL RULES.

THE following may be taken as General Rules, subject to exceptions hereafter more particularly stated. In the cases of:

I. OWNERS, LESSEES, AND OCCUPIERS OF PROPERTY.

That where property is proposed to be taken under the authority of Parliament, all persons who have a vested interest in such property, whether present or future, legal or equitable, and all persons to whom parliamentary notices are required to be given, are allowed a *locus standi*; not so, however, where their property is not proposed to be taken, but will be injuriously affected by proposed works.

II. TRADERS, FREIGHTERS, SHIPOWNERS, &C.

That persons in business, on whom traffic or other rates and tolls have been or may be imposed, have a *locus standi* against any bill affecting them, if they petition as a class; not so, however, a single trader, &c., petitioning alone.

III. COMPETITION.

That railway and other companies and persons petitioning against a bill authorising compet-

ing works, will be allowed a *locus standi* under Standing Order H. C. 130, but not against a bill merely extending competition, or making it more effectual.

[In the chapter under this heading will be found the practice of Parliament relating to facility clauses.]

IV. Parties Petitioning under Standing Order H. C. 133.

That the municipal or other authority having the local management of the metropolis, or of any town, or the inhabitants (as a body) of any town or district, will be allowed a *locus standi* against a bill injuriously affecting their interests, if an allegation to that effect is made in their petition.

V. Shareholders.

That shareholders in a company, whose interests are not distinct from the general interests of such company, as affected by a bill, will be refused a *locus standi* on their petition against it in the House of Commons (see Standing Order 131), but will be allowed a *locus standi* in the House of Lords (under Standing Order 190, sec. 2) if they have been dissentients at a Wharncliffe meeting.

CHAPTER II.

PRACTICE.

Preliminary Rules.

BEFORE entering into the question as to what parties are entitled to be heard on their petitions against private bills, it may be well to call attention to the following rules for the practice and procedure of referees on private bills, framed by the Chairman of Ways and Means under Standing Order, H. C. 92; as a petitioner might be refused a hearing on his petition against a bill for non-compliance with them.

"Parties petitioning against private bills in respect of any of the following matters, and who desire to be heard in opposition by their counsel or agent thereon, viz.:—

"In the case of bills of the second class, for authorising the construction of works, the engineering details of the undertaking, the efficiency of the works for the proposed object, and the sufficiency of the estimate for executing the same;

"In the case of water works bills, the nature and amount of the existing and proposed source of supply, the quality of the water in each case, and the provisions as to storage reservoirs;

"In the case of gas bills, the quality of the gas, existing supply, and its price, the amount of

> pressure, the cost of production, and the modes of testing the purity and illuminating power of the gas;

shall endorse upon their petition, previously to depositing the same in the Private Bill Office, a statement of the grounds (being some one or more of the grounds specified above), on which they desire to be so heard; but it shall be competent to the referees, if satisfied that the omission to make such endorsement in any case occurred through inadvertence or unavoidable cause, to admit the petitioners to be heard before them upon such conditions as they may think fit."

Also to the 128th standing order of the House of Commons, which is as follows:—

> "No petition against a private bill shall be taken into consideration by the committee on such bill which shall not distinctly specify the ground on which the petitioners object to any of the provisions thereof; and the petitioners shall be only heard on such grounds so stated, and if it shall appear to the said committee that such grounds are not specified with sufficient accuracy, the committee may direct that there be given in to the committee a more specific statement in writing, but limited to such grounds of objection so inaccurately specified."

Allegations to be sufficiently specific.

Hence, in framing a petition, too great care cannot be taken to make the allegations against the proposed bill sufficiently specific. In several cases during the session of 1865, the referees have refused a *locus standi* to petitioners, on the ground that their objections to the proposed bill have not been clearly stated, or that it did

not appear that their interests would by it be prejudicially affected. As these cases will be more particularly referred to in the course of this work, it is sufficient at present to remark that in all cases in which objection is intended to be taken to the "preamble" and not merely to the clauses of a bill, a distinct prayer to that effect must be inserted in the petition: though petitioners *have* been allowed a hearing against the preamble of a bill without this formality having been complied with, it being clear from the whole of the petition that their objection was not to the details, but to the principle of the bill.(a)

With regard to the objections to be taken by the promoters of Bills to the *locus standi* of petitioners, the following rules also have been framed under Standing Order, H.C. 92:—

> "The promoters of any private bill objecting to the right of petitioners to be heard against the same, shall give notice of such objection to the agent for the petitioners not less than three clear days before the first meeting of the committee on the bill.
>
> "Parties who have given such notice as above may, at any time, withdraw the same by giving notice of withdrawal, in writing, to the clerk to the referees."

Proof of service of notice of objections.

The notice of objection to the *locus standi* of

(a) May's Parliamentary Practice, p. 739.

a petitioner must be in writing, and must state the grounds on which the promoters object to the petitioners being heard; and it must be duly served on the agent of the petitioner; and should the promoters not be able to prove such service, the notice of objections will not be considered by the Committee. Thus in the case of the County Antrim and Belfast Borough Railway Bill, 1865 (*b*), a petitioner insisted that the promoters of the bill should give strict proof of the service of notice of objections, and though it was shewn that they had posted letters both to the petitioner and his agent, containing such notice, the referees decided that the service of notice had not been duly proved.

Non-appearance of petitioner.

Where, however, such notice of objection to the *locus standi* of a petitioner has been duly served, and at the time fixed for hearing the petition and objection, no one appears in support of the petition, the *locus standi* of such petitioner is disallowed, and the petition is indorsed by the referees to that effect. (*c*)

Grounds of objection to petitioner.

Objections may be taken by the promoters of a bill against the right of a petitioner to be heard, on various grounds; such as, that his petition is informal, as in the case of a corporation of a borough, or an incorporated company,

(*b*) Appendix, p. 61. (*c*) Appendix, p. 61.

whose petition must be under their respective common seals; and if this formality has been neglected, the petition will not be considered (which decision was come to in the case of the Glasgow Gas Bill, 1843 (*d*), where the objection that the seal attached to the petition was not the corporate seal of the petitioners, was taken and sustained); or that the proper parties do not join in the petition (which decision was come to in the case of the East Somerset Railway Bill, 1857 (*d*), where the Committee refused to entertain a petition signed by one trustee of a turnpike road, the Act of Parliament constituting the turnpike trust requiring three signatures to such a document); or that the petition has not been legally sanctioned by the parties whose petition it purports to be (which decision was come to in the case of the Worcester New Gas Bill, 1848 (*d*), where the Committee refused a hearing on a petition which purported to be the petition of certain commissioners, but had not been legally sanctioned by them. So also it is a good ground of objection to the *locus standi* of a petitioner who petitions on the ground of competition against a bill authorising any works, that such petitioner is not legally entitled to carry on the undertaking competition with which shall be objected

(*d*) May's Parliamentary Practice, p. 739.

to. Thus, in the case of the Tyldesley with Shakerley Local Board Gas Bill, 1865 (*e*), which was a bill to enable the Tyldesley with Shakerley Local Board to supply gas to various districts, including, among others, a considerable portion of the township of Atherton; the bill was opposed by the Atherton Gas Company, who had made arrangements with the Atherton Local Board to light the streets and public places of Atherton with gas. The company had, however, no legal right to enter into such arrangement, having no parliamentary powers to break up streets, and on this ground alone their *locus standi* was refused.

Postponement of consideration of *locus standi*.

In some cases the referees have considered it right to postpone the consideration of the *locus standi* of petitioners. Thus, in the case of the Monmouth, Forest of Dean, and Standish Junction Railway Bill, 1865 (*f*), the consideration of the petition of the promoters of the South Wales and Great Western Direct Railway Bill, was postponed on a statement being made to the referees that the Board of Trade had reported on a bridge proposed to be constructed, and had recommended the making of additional works, which recommendation had not been complied with, the referees being of opinion that the consideration of the *locus*

(*e*) Appendix, p. 62. (*f*) Appendix, p. 62.

standi of the petitioners ought to be postponed until after the provisions recommended by the Board of Trade had been adopted; and in the case of the London and South Western Railway (New Lines in Surrey) Bill, 1865 (*g*), the promoters of a rival scheme petitioned against the bill, and in their petition they styled themselves—"Promoters of a Bill now pending before your Honourable House," and it appeared that the examiner of petitions had reported on their bill that the petitioners had not complied with the Standing Orders, and that consequently, their bill remained for the consideration of the select committee on Standing Orders, and it was decided by the referees, that inasmuch as such select committee had not considered the bill of the petitioners, they were not then in a condition to be heard.

Truth of allegations in a petition assumed.

As a general rule, the question of *locus standi* must be decided according to the allegations in the petition, which, for the sake of argument, must be admitted to be true; but where the promoters of a bill give notice to the petitioners that they dispute the truth of an allegation in the petition, the *onus probandi* lies on the petitioners. Thus, in the case of the Manchester, Sheffield, and Lincolnshire Railway (Extension, &c.) Bill, 1865 (*h*), the Lancashire and York-

(*g*) Appendix, p. 63. (*h*) Appendix, p. 63.

shire Railway Company presented a petition against the bill, alleging that they were the owners of certain junction points connecting their railway with the London and North Western Railway, but the truth of this allegation was denied by the promoters of the bill, and an objection was made to the *locus standi* of the petitioners, on the ground that the bill did not contain power to take or interfere with the property of the company, and it was decided by the referees, that the petitioners should give some evidence of their title to the junction points previous to the general discussion as to their *locus standi.*

Reference to proceedings in other House.

Where the preamble of a bill has been declared proved by a committee of either House of Parliament, and the petitioners against the bill have gone through and discussed, and obtained material alterations in the clauses, or have been successful in obtaining the insertion of new clauses for their benefit, it has been the custom to refuse them a *locus standi* against the preamble of the bill in the other House, and it seems to have been taken for granted by counsel before the referees in the case of the Roach River Fishery Bill, 1865 (*i*), that where parties had even discussed clauses before the committee in one House, they had thereby admitted

(*i*) Appendix, p. 75.

the principle of the bill, and had consequently relinquished their right to be heard. This, however, it is submitted, is by no means the settled practice in either House, but it is to be hoped that a Standing Order on this point may be passed during the ensuing session. It would seem hard on a petitioner unsuccessful in objecting to the preamble of a bill, and afterwards willing to withdraw from any further opposition to the bill, should he be successful in obtaining the alteration of an existing clause, or the insertion of a new one for his benefit, that, because he has discussed such clause, and obtained no redress before a committee in one House, he should be debarred from urging his claims again before a committee in the other.

Reference to either of two bills relating to the same undertaking.

Where two bills are promoted by the same parties relating to the same undertaking, a petitioner in arguing his right to be heard against one bill may refer to the other. Thus, in the session of 1865, two bills were promoted by the same parties, viz., the Bute Docks Cardiff Bills (No. 1) and (No. 2) (*k*), the first being for the purpose of enabling the promoters to construct additional docks and works of extensive character, communicating with existing docks at Cardiff, and the second being a bill for the management of the old docks, and the new

(*k*) Appendix, p. 64.

docks and works (which were to be considered one undertaking), and under the authority of (No. 2) Bill, rates, tolls, and charges, were to be levied and made for various services, and it was provided by (No. 1) Bill, that if (No. 2) Bill should be passed into law during the then present session of parliament, before or after the passing into law of (No. 1) Bill, the two Acts should be read and have effect as if they were in all respects one Act; and on the argument on *locus standi*, an objection having been taken to counsel for the petitioners against (No. 1) Bill, referring to (No. 2) Bill, that objection was overruled.

Order in which petitions are heard.

Where several petitions have been presented against a bill, the referees have decided that the question as to the *locus standi* of each petitioner must be decided in the order in which the petitions have been deposited at the Private Bill Office. (*l*)

(*l*) Appendix, p. 65.

CHAPTER III.

OWNERS, LESSEES, AND OCCUPIERS OF LANDS AND HOUSES.

Parties to whom notice to take lands has been given.

THERE is no Standing Order as to the right of owners, lessees, and occupiers of lands and houses, to be heard on their petitions against private bills, but by the practice of Parliament, all parties, to whom a parliamentary notice is directed by the Standing Orders of either House to be given, having a vested interest in lands or houses intended to be taken under the provisions of a bill, have been allowed a hearing. It has been decided also that a party having an equitable interest only in lands proposed to be taken, has a right to be heard. Thus, in the case of the Radstock and Bath Railway Bill, 1865 (*a*), a petitioner, whose name was not inserted in the book of reference, and who had not been served with notice of the bill, was allowed a *locus standi* on a petition against it, notice having been served on the trustees, who had the legal estate in the lands proposed to be taken. Where parties, however, have only a contingent in-

(*a*) This case has not been reported.

terest in lands proposed to be taken, it is generally considered that they are not entitled to a *locus standi.*

The abandonment of power to take lands.

In cases where notice to take land has been given to an owner, and he has petitioned against the bill, and on his appearance in support of his petition before the committee appointed to consider the bill, the promoters have agreed to insert a clause omitting such land from the operation of the bill, it has always been doubtful whether a committee would or would not grant him a *locus standi.* Thus, in the case of the Lancaster and Carlisle Railway Bill, 1858 (*b*), it was held by the committee in the House of Commons, that a landowner, whose land was proposed to be taken under the provisions of the bill as read a second time, was entitled to be heard, though such land was omitted in the bill as submitted to the committee, whilst on the other hand, in the House of Lords, a petitioner against the Caledonian Railway Bill, 1860 (*b*), and also a petitioner against the Blackburn, Chorley, and Wigan Railway Bill, 1863 (*c*), were both refused a hearing, on the promoters of the bill tendering clauses excluding the lands of the petitioners from the operation of the respective bills; and a committee of the House of Commons also held that a petitioner to whom notice

(*b*) May's Parliamentary Practice, p. 732. (*c*) Unreported.

had been given to take his land was not entitled to be heard against an amended bill, which did not propose to interfere with it. (*d*)

No alterations in bills before referees.

The referees have, however, come to the conclusion that they can only consider the bill in the state in which it comes before them, no powers having been conferred on them to make or authorise any alteration in the clauses of a bill. This they decided in the case of the Cambrian Railway (Additional Powers) Bill, 1865 (*e*), where parties petitioned against powers to lease the undertaking, and the promoters offered to strike out of the bill such powers, the petitioners were allowed a *locus standi*, restricted, however, to the leasing powers, though the offer of the promoters gave to the petitioners everything they required.

Amended bill requisite.

From this it would seem clear that in any case where the promoters of a bill are willing to relinquish the power to take any land, notice to take which has been given to the owner, their only course to prevent such owner being heard against the bill is to present an amended bill, excluding from its operation such land: and such course should be adopted in all cases where promoters, having sought to obtain leasing or other powers to which petitioners may

(*d*) Cork and Waterford Railway Bill, 1854; May's Parliamentary Practice, p. 732.

(*e*) Appendix, p. 66.

object, are afterwards willing to relinquish the authority to obtain such powers.

Lands purchased since presentation of petition.

To obtain a *locus standi*, as landowner, the petitioner must have been the owner of the land before the presentation of the petition. Thus, in the case of the Ely and Ogmore Valley Junction Railway Bill, 1865 (*f*), certain petitioners opposed, on the ground that the rates and tolls proposed to be authorised were excessive. The petitioners, at the time that the petition was presented, were owners of large mineral property in the neighbourhood of the proposed line, and since the presentation of the petition had become purchasers of land proposed to be taken, but their *locus standi* was disallowed. It was suggested that they might have presented another petition as landowners since the purchase of the land, but it seems very doubtful if such a course would enable parties to be heard. It was stated by counsel, in the argument in this case, that in the year 1864, the North British Railway Company had purchased land after the Scottish Central Railway Company had given notice to take it, and that their *locus standi* against that company's bill was disallowed, as it was a colourable purchase.

Minerals.

Owners of mineral property, under land proposed to be taken, are entitled to a *locus*

(*f*) Appendix, p. 66.

standi (*g*); it has also been stated that parties entitled to an easement over a river, the navigation of which may be interfered with by the proposed undertaking, have a right to be heard against a bill authorising such interference. The referees, however, have decided the contrary, and have refused a *locus standi* to a riparian proprietor, whose land was situated higher up the stream than the proposed works. (*h*) It would seem, however, that parties entitled to an easement over land proposed to be taken should be heard against a bill materially affecting their rights, [though in the case of railway companies having running powers over the line of another company, their *locus standi*, as will be seen hereafter, is always refused on their petition against a bill to authorise the transfer of such line;] and that in a manor the tenants entitled to rights of pasture, or other rights over commons, would be entitled to a *locus standi* on their petition against a bill authorising the con struction of works that would interfere with their rights in regard to such commons. Easements

Owners, lessees, and occupiers of land, however, are not allowed a *locus standi* against a bill which does not authorise the taking of their land, Property injuriously affected.

(*g*) *See* North Staffordshire Railway Bill, 1865; Appendix, p. 70. (*h*) Appendix, p. 67.

but which authorises the construction of works which will injuriously affect their property.

Thus, in the case of the Fareham and Netley Railway Bill, 1865 (*h*), a landowner, who was also a riparian proprietor, presented a petition against the bill, and he alleged that his property commanded an extensive and picturesque view which would be greatly marred, and the anchorage ground where he kept his yacht in the river fronting his property, which extended to the river, would be destroyed by the construction of the proposed railway, and his *locus standi* was disallowed.

So also, the Skinners' Company were refused a hearing on their petition against the South Eastern Railway Bill, 1865 (*i*), though there was an allegation in their petition that the works to be authorised by the bill would encroach on the ancient lights of the petitioners, and though a clause had been inserted in a former Act forbidding the reduction in width of a certain street, the effect of which would have been to destroy or injure such ancient lights, and an injunction had been obtained in the Court of Chancery to restrain the company from proceeding with their works, in violation of such Act, and such injunction had not been dissolved.

(*h*) Appendix, p. 67. (*i*) Appendix, p. 68.

So also, in the case of the North London, Highgate and Alexandra Park Railway Company Bill, 1865 (*k*), a petition was presented against the bill, alleging that the road in front of an inn, in which the petitioners were interested as owners and occupiers respectively, would be crossed by the proposed railway by means of a high viaduct, and thereby the property of the petitioners would be injuriously affected; but their *locus standi* was disallowed, their property not being within the limits of deviation.

Incumbent of church.

It has been asserted that an incumbent of a church has been allowed a *locus standi* against a bill to authorise the construction of a railway, on the ground that the vibration caused by the trains would interfere with the services of the church (*l*); but it is submitted, on the authority of the preceding cases, that his *locus standi* would not now be allowed, though the referees might, perhaps, grant a *locus standi* to a vestry, or inhabitants of the district, in such a case, under the 133rd Standing Order of the House of Commons hereafter referred to.

Vestries.

Railway companies being landowners.

A railway, canal, or other company would, by the ordinary practice of Parliament, have a *locus standi* as landowners on their petition

(*k*) Appendix, p. 69.

(*l*) *See* the Argument in South-Eastern Railway Bill, 1865, Law Times Reports, vol. xii. p. 98.

against a bill proposing to take or use any land, station, or works belonging to such company, but a special Standing Order, H. C. 132, has been passed to regulate the *locus standi* of railway companies in such cases, which is as follows:—

> "Where a railway bill contains provisions for taking or using any part of the lands, railway, stations or accommodations of another company, or for running engines or carriages upon or across the same, or for granting other facilities, such company shall be entitled to be heard upon their petition against the preamble and clauses of such bill."

Parties to whom notice has been given,

It is generally considered that all parties to whom the Standing Orders of the Houses of Parliament direct notice to be given, as owners, lessees, and occupiers of lands and houses, have a right to a *locus standi.*

To abstract water from any stream.

By Standing Order, H. C. 23, where under the authority of a bill, it is proposed to abstract water from any stream for the purpose of supplying any cut, canal, reservoir, aqueduct, navigation or waterwork, notice in writing of such bill must be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of all mills and manufactories, or other works using the water of such stream for a distance of twenty miles below the point at which such water is intended to be abstracted, and the real

owners, lessees, and occupiers of such works have always been considered entitled to a *locus standi* on their petition against a bill for such purposes.

To make cemeteries or gas works.

So also in the case of a bill authorising the making of a burial-ground or cemetery, or the erection of works for the manufacture of gas, notice must be served (Standing Order, H. C. 24) upon the owner, lessee and occupier of every dwelling house situate within 300 yards of the limits within which the proposed burial-ground, cemetery, or gasworks are intended to be erected or made, and it is submitted that, against such a bill, such parties would have a right to a *locus standi*.

To take crown property.

So also in the case of a bill relating to crown, church, or corporation property, or property held in trust for public or charitable purposes, notice of the application for such bill must be served (Standing Order, H. C. 25) upon the owners or reputed owners of such property, and the lessees or reputed lessees of such property, holding leases granted for a life or lives, or for any term of twenty-one years or upwards, and it is submitted that against such a bill, such owners and lessees would have a right to be heard.

Alteration or repeal of provisions.

In the case of a bill whereby any express statutory provision in force for the protection of

the owner, lessee, or occupier of any property, or for the protection or benefit of any public trustee or commissioner, corporation, or person, specifically named in such provision, is sought to be altered or repealed (except in cases where the consent of such parties is by Standing Order, H. C. 172, required to be proved before the committee on the bill), notice in writing of such bill, and of the intention to alter or repeal such provision must, under Standing Order, H. C. 26, be served upon every such owner, lessee, or occupier, public trustees or commissioners, corporation or person, and it is submitted that such parties would be entitled to be heard against a bill for such purposes.

It might be thought that the decision before referred to (*ante* p. 18) in the case of the petition of the Skinners' Company against the South Eastern Railway Bill, 1865, would militate against this view, but it will be seen on reference to the report of that case, that the clause in the previous bill on which the petitioners based their right to be heard was a general one forbidding the railway company to stop up or reduce in width a certain street, and that the property of the petitioners was not specifically referred to.

Relinquishment of works.

In the case of a bill whereby the whole or any part of a work authorised by any former

act is intended to be relinquished, notices in writing, under Standing Order, H. C. 27, must be served upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in which any part of the said work intended to be thereby relinquished is situate; whether such owners, lessees, and occupiers would be entitled to be heard against a bill, the object of which is to relinquish works, is a question of great importance, though it is believed that there has been no decision on this point for several years.

In 1852 it was held by a committee of the House of Commons that where the owner of land on a line proposed to be abandoned, and the compulsory powers to take which, authorised by the act, had expired, petitioned against a bill authorising such abandonment, he was not entitled to be heard (*m*). And in 1858 it was also held by a committee of the House of Commons that in the case of a bill for extension of time for the purchase of land, and completion of works, and for an abandonment of part of the undertaking, owners of land which the company were authorised to take by their former act, but the power of taking which they proposed to

(*m*) Eastern Counties Railway Bill; May's Parliamentary Practice, p. 731.

abandon by their bill before the committee, had no *locus standi.* (*n*)

It does not appear from the report of these two cases that the respective companies had purchased any land from the owners, or had even given notice to take the land, in which case the relation of vendor and purchaser would have been established. It is considered that in such a case a landowner having been compelled to part with his land, might probably be allowed a *locus standi,* and it seems strange that Parliament should require notice of a bill for the relinquishment of a work authorised by a former Act, to be served on the owners, lessees, and occupiers "of the lands in which any part of the said work is intended to be relinquished," if they were powerless to oppose the bill in consequence of their *locus standi* on their petition being refused.

[NOTE.—The Standing Orders of the House of Commons 19 to 27 inclusive, referred to concerning notices and applications to owners, lessees, and occupiers of lands and houses, are similar to the Standing Orders of the House of Lords on the subject, with the exception of Nos. 25 and 26, to which there are no similar orders in the House of Lords.]

(*n*) Severn Valley Railway Bill; May's Parliamentary Practice, p. 731.

CHAPTER IV.

TRADERS AND FREIGHTERS, SHIPOWNERS, &c.

Former practice.

THE persons composing any of the above classes do not come within the purview of any Standing Order of either House of Parliament, and as it was formerly in the discretion of each committee to admit or refuse their *locus standi*, several conflicting decisions might be cited; but the attention of the referees was in several important cases directed to this question, and they seem to have agreed to a general rule on the subject; it may however be useful to notice in detail the cases that came before them.

General rule.

This general rule appears to be, that persons in business in a district through which a railway or canal is projected, or in which works requiring the sanction of Parliament are intended to be undertaken, whose interests or whose business will be injuriously affected thereby, or on whom it is intended to levy tolls, rates, or charges, will be allowed a *locus standi* if they petition as a class: not so, however, a single trader, &c., petitioning alone. It must,

however, be distinctly understood that "petitioners, praying for a revision of tolls chargeable by railway companies, are not entitled to be heard unless the question of tolls be involved in the bill." (*a*)

Thus, in the case of the Fareham and Netley Railway Bill, 1865 (*b*), the owners and occupiers of wharfs and quays abutting on the Bursledon or Hamble river, petitioned against the bill; and it appeared that their property was situated higher up the stream, and would not be interfered with by the proposed works; but it was alleged in the petition that the bill would authorise the construction of a bridge or viaduct over the said river, which would cause a serious obstruction to the navigation of the said river, and thereby injuriously affect their property and business, and their *locus standi* was allowed.

So also in the case of the North Staffordshire Railway Bill, 1865 (*c*), the owners of mines and minerals along certain projected lines of railway, petitioned against the clauses in the bill giving the company power to charge a six-mile toll for any goods carried any distance on the proposed railways. It was conceded that the petitioners had a *locus standi*, *quâ* owners of

(*a*) May's Parliamentary Practice, p. 731.
(*b*) Appendix, p. 70. (*c*) Appendix, p. 70.

minerals, but their *locus standi* as traders was objected to; but it was decided that they had a general *locus standi.*

So also, in the case of the London and North Western Railway (new works in England and Scotland) Bill, 1865 (*d*), the Chairman of the Chamber of Commerce, and certain merchants and traders in Liverpool petitioned against the bill, and they stated in their petition that the bill provided, that the railway proposed to be made, and others to be widened and improved under the powers of the bill, should, with respect to tolls, rates, and charges, be part of the general undertaking of the company, and they complained (*inter alia*) that the scale of tolls, rates, &c., was fixed in an unfair and arbitrary manner. The petitioners argued that, inasmuch as the 156th Standing Order of the House of Commons directed the committee to fix the tolls and determine the maximum charges, &c., it would be most inexpedient for that to be done in the absence of the parties interested, and though the bill did not propose to alter or vary the tolls, rates, and charges, which were payable at the time, the *locus standi* of the petitioners was allowed against so much of the bill as related to the tolls, rates, and charges.

The general rule, as stated above, was fol-

(*d*) Appendix, p. 71.

lowed in the case of the Monmouthshire Railway and Canal Bill, 1865 (*e*), where certain freighters petitioned against the bill, alleging that the company had not completed certain works authorised by their Act of 1853, and for the completion of which the period of five years was limited, &c., and the petition also alleged that certain short-distance charges were unfair, and their *locus standi* was allowed; and this decision was also followed in the case of the Swansea Canal Transfer Bill, 1865 (*f*), against which three distinct sets of petitioners, all engaged in the mineral trade of the district, were allowed a *locus standi*, though each petition represented private parties, but in this case the argument for the petitioners seems to have been confined to the construction of the 153rd order H. C., which is as follows:—

> "No railway company shall be authorised to construct, or enlarge, purchase, or take on lease, or otherwise appropriate, any dock, pier, harbour, or ferry, or to acquire or use any steam-vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a railway company, unless the committee on the bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded"—

it being argued (and the court seems to have

(*e*) Appendix, p. 72. (*f*) Appendix, pp.73 & 74.

concurred in the argument), that the provisions of the Standing Order could not be carried into effect unless the traders themselves were heard.

And against the same bill, the conservators of Swansea Harbour, who were the owners of the docks there, were allowed a *locus standi* on their petition objecting to the transfer of a canal to the railway company, on the ground that the canal was intended for the carriage of goods from the port of Swansea for the numerous works and manufactories in the Swansea valley, and that it would be injurious to the petitioners, and to the traders, manufacturers, and landowners interested in the prosperity of the trade of the district that the canal should be transferred to the railway company.

So also, in the case of the Roach River Fishery Bill, 1865 (*g*), which was a bill to incorporate a company, and to vest in such company the fishery in the river Roach, to the exclusion of the public generally, the dredgermen and fishermen who exercised the right of fishing in such river, were allowed a *locus standi*, though at the same time the owners of the foreshore had their *locus standi* disallowed.

Single trader.

The decision in the case of the Swansea Canal Transfer Bill, 1865 (*h*), which allowed a

(*g*) Appendix, p. 75. (*h*) *Supra*, p. 28.

locus standi on their petitions, to private parties, only representing themselves, but not a class of traders, would at first sight seem to be opposed to the decisions in the cases of the Ely and Ogmore Valleys Junction Railway Bill, 1865 (*i*); and the Caledonian and Scottish Central Railway Companies Bill, 1865 (*k*), in each of which cases the petitioner, who was an extensive owner of iron-works and mineral fields, was refused a hearing; the decision in both the last-mentioned cases turning upon the fact that the petitioners were single traders, and that their object might be only to make terms for themselves, and not to protect the interests of a class. However, the three decisions in the case of the Swansea Canal Transfer Bill, 1865, against which the referees allowed a trader, or a firm of traders a *locus standi*, though seemingly opposed to the decisions in the two last-mentioned cases, may be, perhaps, reconciled with them, either as before stated, by reference to the 153rd Standing Order, H. C., or by arguing that there being three different petitions of private parties, they might conjointly be taken to represent the traders of the district. It should be remembered, that in the House of Lords the practice is different; and in the case of the Solway Junction Bill,

(*i*) Appendix, p. 66. (*k*) Appendix, p. 76.

1864 (*l*), a *locus standi* was allowed to two shipowners having large interests, who petitioned against the bill.

In order to obtain a *locus standi* as traders, &c., the parties petitioning must allege a grievance by showing that the rates, tolls, charges, &c., are already too high, or that by a transfer of a company, or an amalgamation, their interests may be prejudicially affected. It is not sufficient to allege that they may be injured by competition with other parties in consequence of any proposed railway or works. Thus, in the case of the Lancashire Union Railways (amended) Bill, 1865 (*m*), the traders, &c., at Widnes petitioned against the bill, alleging that the town and port of Widnes was seven miles nearer to certain coalfields than the town and port of Garston was, but that it was proposed by the bill to charge the same rates, tolls, and charges for coals for shipment by either port, and that they would thus be deprived of the natural advantages they possessed by reason of their being nearer than the town of Garston was to the said coalfields; and their *locus standi* was disallowed.

Where no injury is shewn.

In a petition by merchants, traders, or freighters, against a bill, on the ground of

Allegation as to tolls must be specific.

(*l*) Law Times Reports, vol. xii. p. 249.
(*m*) Appendix, p. 76.

excessive, partial, or unequal rates, charges, or tolls, a distinct statement to that effect must be made; and where such allegation was made in the petition of the merchants and traders of Liverpool against the London and North Western (new works in England and Scotland) Railway Bill, 1865, before referred to (ante p. 27), the *locus standi* of the petitioners was allowed; whereas the *locus standi* of the very same parties, who petitioned against the Manchester, Sheffield and Lincolnshire Railway Bill, 1865 (*n*), was disallowed, because such allegation was omitted from the petition, though there was an express statement in it that the bill would be of no public or local advantage, "unless stringent and effective provisions were inserted in the bill for securing an equal and impartial scale, and an arrangement of the tolls and charges over the company's system."

(*n*) Appendix, p. 77.

CHAPTER V.

COMPETITION.

Former practice.

FOR many years it was generally held as a parliamentary rule, that petitioners against private bills were not entitled to a *locus standi* on the ground of COMPETITION. This rule was, however, gradually modified, and in several cases parties petitioning against a bill, on the ground of competition, were allowed a *locus standi;* and in the year 1853, the House of Commons issued a Standing Order to the effect that it should be competent to the committee on private bills to admit petitioners to be heard upon their petitions against a private bill, on the ground of competition, if they should think fit.

In accordance with the above Order, committees have usually allowed to parties, petitioning against a bill on the ground of competition, a *locus standi*, if the alleged competition could be shewn to be of any considerable importance, but have refused one in cases in which the alleged competition would only be indirect or limited in extent; and have also

refused one to a petitioner opposing a bill, the object of which has been not to establish new competition, but only to make existing competition more effective.

Standing Order.

When the Court of Referees was established, the same Order (now No. 130) was renewed, with the sole substitution of the word "referee" for "committee," and runs as follows:—

> "It shall be competent to the referees on private bills to admit petitioners to be heard upon their petitions against a private bill, on the ground of competition, if they shall think fit."

During the Session of 1865, the referees came to several important decisions with regard to the *locus standi* of parties petitioning against bills on the ground of competition; and also, with regard to the *locus standi* of railway companies having running powers, or facility clauses, over the line or works of another company, on their petition against the concession of like powers to other parties; or against an amalgamation bill which would be prejudicial to the interests of the petitioners.

Where alleged competition will be considerable.

In nearly all cases, where the petitioners against a bill can show that the object of it is to enable promoters to construct works or to authorise undertakings which will compete with those of the petitioners, they are allowed a *locus*

standi. Thus, in the case of the Aberystwith and Welsh Coast Railway (Steamboat) Bill, 1865 (*a*), which was a bill to authorise the railway company to provide and use steamboats in the transmission of traffic between certain ports in Wales, and any ports in Ireland they might think fit, the Steamship Owners' Association of London petitioned against the bill, alleging that they represented parties who were owners of steamships, and other vessels engaged in carrying on communication between England and Ireand, and that the powers sought by the bill, if allowed to pass, would authorise the company injuriously to compete with the petitioners; and though it was not stated in the petition that the petitioners used any of the specified ports in Wales, their *locus standi* was allowed. This decision may have turned on the 153rd Standing Order, H. C., which forbids such powers to be granted to a railway company, unless the committee on the bill should report that such restriction ought not to be enforced, with the reasons and facts upon which their opinion was founded, for if the petitioners had not been heard on this point, the bill, so far, would have been an unopposed one, and the committee could not have made a report to the House in conformity with such Standing Order, if no

(*a*) Appendix, p. 78.

parties were allowed a hearing on the question.

In the case of the North Kent Railway Bill, 1865 (*b*), the referees seem to have gone to a great length in allowing a *locus standi* on the ground of competition. It was a bill to authorise the construction of a railway from the North Kent Railway to the Medway, and of a pier in that river. The London, Chatham, and Dover, petitioned against the bill, alleging that the proposed scheme would compete injuriously with a line that the petitioners were working under the authority of Parliament, which terminated at Sheerness, on the opposite side of the river Medway, and their *locus standi* was allowed.

Remote or indirect.

On the other hand, where the effect of the bill is merely to authorise competition of a very remote or indirect character, a *locus standi* is generally disallowed.

Thus, in the North British and Edinburgh and Glasgow Railway Companies Bill, 1865 (*c*), which was a bill to amalgamate those companies, the Great Northern Railway Company, opposed on the ground that, having running powers over the North British Railway to Edinburgh, they were thus in possession of the East Coast route to Scotland, but that if this

(*b*) Appendix, p. 79. (*c*) Appendix, p. 79.

amalgamation were permitted it might be for the interest of the amalgamated companies to divert the traffic from the East Coast of Scotland and send it by the London and North-Western route, and the *locus standi* of the petitioners was disallowed.

So in the case of the Brecon and Merthyr Tydfil Junction Railway (Amalgamation) Bill, 1865,(*d*) the Neath and Brecon Railway Company petitioned against the bill on the ground of competition, alleging that, if the amalgamation proposed by the bill were permitted, they were apprehensive that traffic between the Shrewsbury and Hereford Railway Company on the one hand, and the Swansea and Neath Railway on the other, might be carried by a longer and inferior route *viâ* Merthyr, and that they would thereby be deprived of the traffic which legitimately belonged to them; and that the bill was thus calculated to establish an injurious competition with them. The railways and works, however, of the companies proposed to be amalgamated did not extend to Swansea, and therefore no direct competition could arise between them and the petitioners, whose *locus standi* was disallowed.

More effective.

As has been previously stated, a *locus standi* will be refused to parties petitioning against

(*d*) Appendix, p. 81.

the bill, on the ground of competition, if the object of the bill shall be, not to establish new competition, but only to make existing competition more effective. Thus, in the case of the London, Chatham, and Dover Railway Bill, 1861 (*e*), which was a bill to empower the company to raise further capital for the maintenance of steamboats, they being already proprietors of steamboats under a previous act, a petition was presented against the bill by a steamboat company, on the ground that they would be injuriously affected by increased competition; but the *locus standi* of the petitioners was disallowed.

Amalgamation and facility clauses.

It was formerly the practice of committees to allow a *locus standi* to a railway company, having running powers over the line of another company, on their petition against the concession of like powers to other companies. Thus, in the case of the Garston and Liverpool Railway Bill, 1861 (*f*), the committee on that bill granted a *locus standi* to a railway company having running powers over a line, and who petitioned against the concession of the same powers to another company.

That decision, however, has not been followed by the referees, who have laid down the rule

(*e*) May's Parliamentary Practice, p. 736.
(*f*) *Ibid.*, p. 735.

that a company having running powers and facility clauses over the line and works of another company, are not entitled to be heard against a bill empowering such other company either to grant equal facility clauses to other parties, or to amalgamate with them.

Thus, in the case of the Ogmore Valley, and Ely Valley Extension Railway Companies Bill, 1865 (*g*), the Great Western Railway Company, who were the lessees of the Ely Valley Railway, petitioned against the bill, which was to amalgamate the first-mentioned companies; and it appeared that the act constituting the Ely Valley Extension Railway Company, provided that that company and the Ely Valley Company should afford to each other all reasonable and proper facilities for the interchange, accommodation, protection, and transmission of traffic; but it was held by the referees that the granting facilities over a line of a railway company which was proposed to be amalgamated with another company, ought to give the petitioners no right to be heard against a bill for such purposes, and their *locus standi* was disallowed.

The last decision was followed in the case of the Cambrian Railway (Aberystwith and Welsh Coast Railway Amalgamation) Bill, 1865 (*h*),

(*g*) Appendix, p. 82. (*h*) Appendix, p. 83.

which was a bill to authorise the vesting of the Aberystwith and Welsh Coast Railway in the Cambrian Railway Company, and was opposed by the Mid-Wales Railway Company. It appeared that a bill for a similar purpose had been before a committee in the year 1864, which was also opposed by the Mid-Wales Railway Company, whereupon an agreement was come to between the promoters and the opponents, which resulted in certain clauses being incorporated into the bill, whereby the petitioners and the Cambrian Railway Company were bound to afford to each other facilities proper and sufficient for a full and free interchange of traffic, &c. The bill of 1864, when it passed the House of Commons, included provisions for the amalgamation of the undertaking of the Aberystwith and Welsh Coast Railway Company with that of the Cambrian Railway Company, and the above-mentioned clauses would have embraced that undertaking if the clauses authorising the amalgamation, had not been subsequently struck out of the bill; but the *locus standi* of the petitioners was disallowed, and it seems clear that the decision was come to simply on the general ground stated above.

So also in the case of the Brecon and Merthyr-Tydfil Junction (Amalgamation, &c.) Bill,

1865 (*i*), the Great Western Railway Company opposed on the ground that the petitioners had running powers over both lines intended to be amalgamated, and the Hereford, Hay, and Brecon Railway Company had the use of the petitioners' stations at Hereford, and by agreement were to be admitted over a new connecting line therewith; and that if the proposed amalgamation were permitted, such stations and connecting lines might be used for the whole traffic of the amalgamated companies; and that the effect of passing the bill would be that, instead of such companies interchanging traffic with the petitioners, they would, when amalgamated, compete with them: but their *locus standi* was disallowed.

So also in the case of the Havant, Hambledon and Droxford Railway Bill, 1865 (*k*), which gave power to a company proposed to be incorporated, to make arrangements with respect to the accommodation, interchange, and general regulation of traffic with the petitioners and the Petersfield and Bishop Waltham Railway Company; the London and South-Western Railway Company having running powers over the line of the last-named company opposed, but their *locus standi* was disallowed.

(*i*) Appendix, p. 84. (*k*) Appendix, p. 83.

And the same decision was followed in the case of the Tooting, Merton, and Wimbledon Extension Railway Bill, 1865 (*l*), whereby it was proposed that that railway should become vested in the London, Brighton, and South Coast, and the London and South-Western Railway Companies, and running powers were to be given to the last-named company by which they would be enabled to bring traffic into the Knight's Hill station. That station was built by and at the cost of the Brighton Company, in pursuance of an agreement with the petitioners, the London, Chatham, and Dover Railway Company, who were to pay an annual sum by way of interest on the capital expended in the construction of the station, in proportion to the amount of traffic they brought to it; and their *locus standi* was disallowed. In considering this case it must be carefully borne in mind, that the London, Chatham, and Dover Railway Company had only the right to use the station, but had no right as owners in the station, or they would have been entitled to a *locus standi* under the Standing Order, H. C. 132, which is as follows:—

> Standing Order 132.—"Where a railway bill contains provisions for taking or using any part of the lands, railway stations, or accommodations

(*l*) Appendix, p. 86.

> of another company, or for running engines or carriages upon or across the same, or for granting other facilities, such company shall be entitled to be heard upon their petition against the preamble and clauses of such bill."

The decision of the referees in the case of the petition of another (the Mid-Wales Railway) company, against the Brecon and Merthyr Tydfil Junction (Amalgamation, &c.) Bill, 1865 (*m*), deserves careful attention; as by comparing the decision in this case with that of the petition of the Great Western Railway Company against the same bill, we may, perhaps, arrive at the reasons for the *locus standi* in one petition being allowed, and in the other refused.

The Mid-Wales Railway Company petitioned against the bill, alleging that their railway commenced by a junction in the Montgomeryshire system of railways, and joined at Tal-y-llyn, the railway of the promoters, hereafter called the Brecon Company, and thence continued to Glasbury, and that mutual running powers had been conceded in pursuance of agreement to the petitioners and the Brecon Company over the respective lines of each company, and that the intention of the agreement was, that the Brecon Company should

(*m*) Appendix, p. 87.

send their traffic to the north by means of the petitioners' railway, and also that the Hereford, Hay, and Brecon Company, hereafter called the Hereford Company, had obtained an Act of Parliament to make a line from Hereford to Brecon in an east and west direction, but had abandoned part of the line, and only made it from Hereford as far as Glasbury, where it joined the railway of the petitioners, and also alleging that the result of placing the line of the Hereford Company under the sole control of the Brecon Company would be that, instead of sending any traffic to the north over the petitioners' railway, it would be the interest of the Brecon Company to divert the whole of the traffic, and send it to the north over the line of the Hereford Company, while at the same time they would use their running powers over the petitioners' railway between Tal-y-llyn and Glasbury, for the very purpose of such diversion: and the *locus standi* of the petitioners was allowed.

It will be seen that this was not a case of an amalgamation of two companies whose lines were in contact, but an amalgamation of two companies whose lines were separated by that of the petitioners, which itself would be used by the amalgamated companies, for the very purpose of forming a new competing route with

the line of the petitioners, whilst in the case of the petition of the Great Western Railway Company against the same bill, it was admitted by the counsel for the petitioners that the union of the two companies would only make existing competition of a more serious character.

Where, also, the proposed bill authorises the making of a railway, which in itself would not compete with, but, by joining with existing or proposed railways, would compete with another railway, a *locus standi* is allowed.

Thus, in the case of the Llantrissant and Taff Vale Junction Railway Bill, 1865 (*n*), which was a bill to authorise the making of a short line which by itself, as was admitted, could not compete with the railway authorised or promoted by the Ogmore Valleys Railway Company, that company however petitioned against the bill on the ground that the proposed line would form part of a competing system, one railway in which system touched the line of the petitioners, and it was argued that if various lines were proposed, which if made would together form a competing route, the petitioners should be heard against a bill empowering a company to make any one of such lines, and on this ground the *locus standi* of the petitioners was allowed.

(*n*) Appendix, p. 89.

Laying down rails on other companies' line.

Where a company has been authorised to lay down rails with a different gauge to those of and on the line of another company, it thereby gains no interest in the line of such company to entitle it to be heard against a bill to authorise a third company also to lay down additional rails thereon. This decision was come to in the case of the Manchester and Milford Railway Bill, 1865 (*o*), which was a bill (*inter alia*) to authorise the promoters to lay down an additional line of rails over the Carmarthen and Cardigan Railway, which was a broad gauge one. The petitioners, whose line was a narrow gauge one, had, under the authority of Parliament, laid down narrow gauge lines over such railway, and objected to the powers sought by the promoters, alleging that such powers would be attended with obstruction to the traffic of the petitioners and danger to the public: and their *locus standi* was disallowed.

Promoters of rival schemes.

If two or more parties respectively are the promoters of bills to authorise the construction of different railways or works which might compete with one another, the promoters of each rival scheme, having complied with the requirements of Parliament, are allowed a *locus standi* on their petition against the bill promoted by their opponents.

(*o*) Appendix, p. 86.

Agreeing.

It remains to be remarked that, where there has been an agreement between two companies for the settlement of all disputes, and a bill has been amended in accordance with such agreement, neither of such companies is allowed a *locus standi* against such amended bill; though it has been the practice of Parliament, in some cases, to allow a *locus standi* to a petitioner in the case of a bill authorising an agreement made between himself and the promoters, and whose object in being present before the Committee is to secure such agreement being carried out (*p*).

(*p*) May's Parliamentary Practice, p. 734.

CHAPTER VI.

MUNICIPAL AUTHORITIES AND INHABITANTS OF TOWNS, &c.

Former practice.

PETITIONERS against private bills, included in the above classes, were formerly not entitled to a *locus standi* against a bill to authorise works which would not interfere with their property, but which might injuriously affect their interests. However, at length a Standing Order was passed to determine their right to a *locus standi*, which Order was altered and amended in 1863, and now runs as follows:—

> Standing Order 133. "It shall be competent to the referees on private bills to admit the petitioners, being the municipal or other authority having the local management of the metropolis, or of any town, or the inhabitants of any town or district alleged to be injuriously affected by a bill, to be heard against such bill, if they shall think fit."

Allegation must be specific.

Though this order is very carefully worded, the most important part of it, "town or district alleged to be injuriously affected," seems to have been lost sight of in several cases by the parties preparing petitions, and a *locus standi* has been

refused to petitioners simply on the ground that there was no allegation in the petition to such effect.

Thus, in the case of the Severn Junction Railway Bill, 1865 (*a*), the corporation of Tewkesbury, being the owners of wharfs, quays, lands, and property on the banks of the river Severn, petitioned against the bill, but the petition contained no allegation that the interests of the borough would be injuriously affected, and on this ground it was held that the petitioners were not entitled to a general *locus standi*, though it was decided that they could be heard in their private capacity as owners of property within the borough.

And show real injury.

So also in the Vale of Crickhowell Railway (Eastern Extension) Bill, 1865 (*b*), the Abergavenny Improvements Commissioners were refused a *locus standi* on the same grounds.

To gain a *locus standi* under this order, the petition must disclose a *primâ facie* case of importance. It is not sufficient to shew some slight injury.

Thus, in the case of the Monmouthshire Railway and Canal Bill, 1865 (*c*), the corporation of Newport petitioned against the bill, alleging

(*a*) Appendix, p. 92. (*b*) Appendix, p. 92.
(*c*) Appendix, p. 93.

that the proposed railways would bring additional traffic over certain level crossings in the town, but their *locus standi* was disallowed, and the Local Board of Health for the district of Swansea were refused a *locus standi* on their petition against the Swansea Canal Transfer Bill (*d*), 1865, on the ground that the transfer would make no difference in the then existing state of rates.

Towns, &c., to be adequately represented.

For the inhabitants of a town or district to obtain a *locus standi* under this order, it must be shewn also that they adequately represent such town or district, and a *locus standi* will be refused if only a small portion of such inhabitants are petitioners.

Thus, in the case of the London and South Western Railway (New Lines in Surrey) Bill, 1865 (*e*), there was a joint petition of owners, lessees, and occupiers of property situate in, and of inhabitants of the parish of Kingston; it did not, however, appear that any meeting of the inhabitants of Kingston had been held in opposition to the bill, or that the inhabitants generally disapproved of it; and it was decided by the referees that the petitioners who were not landowners were not entitled to a *locus standi*, but that those whose land was proposed to be taken should be heard in the

(*d*) Appendix, p. 94. (*e*) Appendix, p. 95.

character of inhabitants of the borough of Kingston.

Two petitions from a town.

Where two petitions are presented against a bill, one from the governing body of a town or district, and the other from a section of the inhabitants equally interested in opposing such bill, but from different motives, it is a matter of some doubt whether both sets of petitioners have a *locus standi* on their respective petitions. It would seem to be the proper course either to allow the *locus standi* on both petitions, or for them to be amalgamated; for if the *locus standi* is only allowed on one petition, terms might be made with the only parties before the committee without reference to the interests of those who had been refused a hearing. The case was considered before a committee of the House of Lords in the case of the Sheffield Water-works Act, 1864 (*f*), which was a bill, (*inter alia*) to raise the scale of rates to be taken for the supply of water, not only for domestic but also for trade purposes. The corporation of Sheffield and the owners of large manufactories both petitioned against the bill, and an objection was taken by the counsel for the bill to both parties being heard, and, though no decision was come to by the committee, it was arranged

(*f*) Unreported.

that the counsel for the owners of manufactories should confine their questions to those points on which they had an interest different from that of the inhabitants generally.

A somewhat similar case came before the referees during the last session, where two petitions were presented against the East London Railway Bill, 1865 (*g*), one by the District Board of Works, the other by the parish of St. Mary, Whitechapel, and their clerk. It appeared that the railway to be authorised by the proposed bill would pass through the parish of St. Mary, Whitechapel, and that a considerable amount of property would be taken by it. The trustees of the parish were a corporation chosen by the parishioners, and having powers to make and collect rates; and they alleged in their petition that a great number of houses would be taken down, and that the rateable value of the parish would be depreciated; and they contended that they were the proper parties to represent the inhabitants of the district under the Standing Order, H.C. 133. The promoters of the bill did not oppose the *locus standi* of the District Board of Works, but contended that such Board were the persons who came within the meaning of the said Standing Order. The referees disallowed the *locus*

(*g*) Appendix, p. 93.

standi of the vestry, and it may be supposed that they came to this decision on the ground that the inhabitants of the district were sufficiently represented by the District Board of Works. (*h*)

(*h*) See also the cases of the petitions of the Corporation of Chester, and the River Dee Commissioners against the Dee and Mersey Junction Railway Bill, 1865, and against the Connah's Quay Railways and Docks Bill, 1865. Appendix, pp. 96 and 98.

CHAPTER VII.

SHAREHOLDERS, AND CONSTITUENT MEMBERS OF A CORPORATION.

Practice in the House of Commons.

PREVIOUS to the year 1853 it had been the rule in the House of Commons, with few exceptions, not to hear dissentient shareholders in a company, or the constituent members of a corporation, against a bill promoted by such company or corporation, on the ground that the decision of the majority should be binding on the minority. Cases, however, occurred where the minority in such a case was allowed either a general or a limited *locus standi*, and in order to settle the practice the House of Commons, in 1853, passed the following:—

> Standing Order, H.C. 131.—"Where a bill is promoted by an incorporated company, shareholders of such company shall not be entitled to be heard before the committee against such bill, unless their interests, as affected thereby, shall be distinct from the general interests of such company."

And in the House of Lords.

In the House of Lords, however, a different rule has prevailed, and by special Order, No. 190, shareholders who have dissented at a meeting called in pursuance of the Wharncliffe

Order, are expressly permitted to be heard, and a shareholder, who had not dissented at a meeting called in pursuance of such Order, was allowed a hearing against the Caledonian Railway Bill in 1850 (*a*), by an express Order of the House.

Preference shareholders.

A *locus standi* is also allowed in the case of preference shareholders, because they have interests different from those of the general body of shareholders. However, when it has appeared to the committee that preference shareholders, though having a special interest apart from that of the general body of shareholders, yet had not one that would be greatly affected by the bill, their *locus standi* has been disallowed, and debenture and other holders of creditors' stock, have been refused a hearing, though it would seem that in any case where their security would be imperilled they should be allowed a *locus standi* (*b*).

Under this Standing Order, a petitioner was refused a hearing against the Monmouthshire Railway and Canal Bill, 1865 (*c*), which was a bill amongst other things to authorise the purchase by the promoters of the Brecon and Abergavenny Canal, in which the petitioner was a

(*a*) May's Parliamentary Practice, p. 738.
(*b*) *Ibid.* 738.
(*c*) Appendix, p. 100.

shareholder. It appeared, however, that the bill contained a provision that the promoters could not purchase the canal without the consent of the shareholders.

Shareholders in a company are represented by the governing body, and where a railway is owned by various companies, they are not allowed a *locus standi* separately. Thus, in the case of the London, Chatham, and Dover Railway Bill (No. 1) 1865 (*d*), it appeared that the West London Extension Railway Company consisted of four companies, viz., the London and North Western, the Great Western, the London, Brighton, and South Coast, and the London and South Western Railway Companies, each having equal rights of using the railway stations as far as the through traffic was concerned, and each collecting their own tolls, and having their own clerks, and each being represented on the board of the West London Extension Company. The bill proposed to give to the London, Chatham, and Dover Railway, equal rights of user of the line with the other companies, and also of a station belonging to the London and North Western Railway Company, and was opposed not only by the West London Extension Railway Company, but also by the London and North Western

(*d*) Appendix, p. 99.

and London and South Western Railway Companies, and it was held that the latter two companies were not entitled to be heard against the powers in the bill authorising the use of the line by the London, Chatham, and Dover Railway Company, on the ground that their interests as shareholders in the West London Extension Railway Company ought to be represented by the governing body of that company, though it was held that the London and North Western Railway Company had a *locus standi* against so much of the bill as related to their railway station.

Corporations.

Although the above Standing Order does not affect corporations other than joint-stock companies, the rule has been extended to them, and none of the constituent members of any corporation, which is the promoter of a bill, are entitled to be heard.

Thus, in 1857 (*e*), it was held that the vestry of St. George, Hanover Square, was not entitled to be heard against the Finsbury Park Bill, on the ground that the vestry was represented in the Metropolitan Board of Works, by which that bill was promoted, and in 1858, merchants, shipowners, and dock ratepayers of Liverpool were refused a *locus standi* on their petition against the Mersey Docks and Harbour (New

(*e*) May's Parliamentary Practice, p. 737.

Works) Bill (*f*), on the ground that they formed part of a body represented by the promoters of the bill. And in the case of the Whitechapel and Holborn Improvement Bill, 1865 (*g*), a *locus standi* was refused to the vestry of Bermondsey, it being represented in the Metropolitan Board of Works, who were the promoters of the bill, though it was alleged in the petition that the Bill proposed to levy rates in the parish of Bermondsey, for intended works, in respect of which that parish could derive no benefit.

(*f*) May's Parliamentary Practice, p. 737.
(*g*) Appendix, p. 101.

APPENDICES.

APPENDIX A.

I. PRACTICE.

THE COUNTY ANTRIM AND BELFAST BOROUGH RAILWAY BILL, 1865.

Petition of J. Rea.

Upon this case being called on for hearing, the petitioner required that the promoters should prove the service of notice of objections.

The promoters gave evidence that letters containing notice of objections had been sent; one directed and posted to the petitioner, and the other to his agent.

The agent on being called by the promoters refused to answer any question concerning his professional relationship with the petitioner, on the ground that any such question related to confidential communication between solicitor and client.

The referees decided that service of notice of objections was not duly proved.

(*Law Times Reports*, Vol. XII. (N. S.) p. 247.)

THE BOLTON IMPROVEMENT BILL, 1865.

Petition of J. Hardcastle.

In this case when the *locus standi* of the petitioner was objected to, no one appeared in support of the petition.

Locus standi disallowed: and the petition indorsed to that effect.

(*Law Times Reports*, p. 95.)

THE TYLDESLEY WITH SHAKERLEY LOCAL BOARD BILL, 1865.

Petition of the ATHERTON GAS COMPANY.

The object of the bill was to authorise the Tyldesley with Shakerley Local Board to supply gas in their district and adjoining places; and amongst others, in the township of Atherton.

The bill was opposed by the Atherton Gas Company on the ground that they had made arrangement with the Atherton Local Board to light with gas all the public streets and places within their district, and that it would be injurious to their interests for the promoters to invade their district.

The *locus standi* of the petitioners was objected to by the promoters principally on the ground that the petitioners were merely a Joint Stock Company, without any parliamentary powers, and therefore had not any claim to light the proposed district.

Locus standi disallowed.

(*Law Times Reports*, p. 214.)

THE MONMOUTH, FOREST OF DEAN, AND STANDISH JUNCTION RAILWAY BILL, 1865.

Petition of the PROMOTERS of the SOUTH WALES and GREAT WESTERN DIRECT RAILWAY BILL, 1865.

This petition having been set down for hearing, and notice of objection to the *locus standi* of the petitioners having been given, the counsel for the promoters of the bill objected to the discussion of the *locus standi* of the petitioners, on the ground that the Board of Trade had reported upon a bridge proposed to be constructed by the promoters, and had recommended that additional works should be made, and that it would therefore be necessary for the promoters to come before the committee to shew how such recommendation should be dealt with; and that, in consequence, only part of the bill was before the referees; and that, whilst the bill was in this condition, any discussion on *locus standi* was premature.

Locus standi postponed.

(*Law Times Reports*, p. 247.)

THE LONDON AND SOUTH WESTERN RAILWAY (NEW LINES IN SURREY) BILL, 1865.

Petition of the PROMOTERS of the GREAT WESTERN and SURREY DOCKS' JUNCTION RAILWAY BILL, 1865.

In this petition the petitioners styled themselves "Promoters of a bill now pending in your Honourable House," and their *locus standi* was objected to on the ground that the examiner of petitions had reported that they had not complied with the Standing Orders, and that their bill had been referred to the select committee on Standing Orders.

The referees decided that as the select committee had not considered the bill of the petitioners, they were not then in a condition to be heard.

(*Law Times Reports*, p. 87.)

THE MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY (EXTENSION, &c.) BILL, 1865.

Petition of the LANCASHIRE and YORKSHIRE RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the promoters to make a railway to Liverpool.

The bill was opposed by the petitioners (so far as is material) on the ground that the promoters, the Manchester, Sheffield, and Lincolnshire Railway Company, sought powers to run over, work, and use, with their engines, carriages, and servants, and for the purposes of their traffic, the junction and junction points connecting the London and North Western Railway with the railway of the petitioners near the Ardwick Station, in Manchester; and the petitioners objected to any such interference with their property and works.

The *locus standi* of the petitioners was objected to (so far as is material) on the ground that the bill did not contain power to take or interfere with any property of the petitioners, thus giving them notice that they disputed the truth of the allegation in the petition as to the ownership of the junction and the junction points therein referred to.

On the case coming on for hearing, the promoters contended that the petitioners ought to prove their title to the junction and junction points, but the petitioners contended that in cases of *locus standi*, the allegations in a petition were, *primâ facie*, taken to be correct, and that the *onus probandi* was upon the promoters to shew that any allegation was untrue.

The referees decided that the petitioners should give some evidence as to their title to the junction and junction points: and they also decided that the whole case as to the junction points and *locus standi* should be taken together, the counsel of the petitioners to commence, and to have a right of reply.

(*Law Times Reports*, p. 216.)

THE BUTE DOCKS CARDIFF BILL (No. 1), 1865.

Petition of WILLIAM SHEWARD CARTWRIGHT.

The object of the bill was (*inter alia*) to authorise the promoters to construct certain docks at Cardiff.

The bill was opposed by the petitioner (who was lord of the manor of Llandaff), on the ground that, under the powers of the said bill, the promoters would be able to abstract water from the river Taff, over which, and its waters, the petitioner had certain rights.

On the case coming on for hearing, the counsel for the petitioner stated that, in addition to the bill under consideration, there was another called the Bute Docks Cardiff Bill (No. 2), 1865, and that the two bills related to one undertaking; and that (No. 2) Bill contained provisions for the working and management of the existing docks, declaring its provisions were to extend to the proposed (No. 1) bill; and that it was provided by (No. 1) Bill that, if (No. 2) Bill should be passed, the two bills should be read, when passed, as one act: and he submitted that the petitioner on the argument as to his *locus standi* against one bill had a right to refer to the other.

The counsel for the bill objected to the right of the counsel for the petitioner in the argument on (No. 1) Bill, referring to (No. 2) Bill; and he argued that the works projected by (No. 1) Bill did not touch

the manor of Llandaff; but he admitted that if this were the case of a landowner, whose land was proposed to be taken under one bill, he might refer to the other.

Objection overruled.

(*Law Times Reports*, p. 285.)

THE BUTE DOCKS (CARDIFF) BILL (No. 1).

(1.) Petition of the PENARTH HARBOUR, DOCK, AND RAILWAY COMPANY.
(2.) Petition of WILLIAM SHEWARD CARTWRIGHT.
(3.) Petition of the TAFF VALE RAILWAY COMPANY.
(4.) Petition of the GLAMORGANSHIRE CANAL COMPANY.

The question having arisen as to the order in which the petitions should be considered, the referees decided as follows:—

"We think that the best course will be to take the petitions in the order in which they are deposited in the Private Bill Office, subject, of course, to any special arrangement between counsel."

(*Law Times Reports*, p. 285.)

II. OWNERS, LESSEES, AND OCCUPIERS.

THE CAMBRIAN RAILWAY (ADDITIONAL POWERS) BILL, 1865.

Petition of the MID-WALES RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the promoters to lease their undertaking to two other companies, viz., the London and North Western and the Great Western companies.

The bill was opposed by the petitioners, who had running powers over the railways of the promoters, and who objected to the leasing powers contained in the bill.

The promoters offered to strike out of the bill the clauses granting such leasing powers; the petitioners, however, contended that they had a general right to be heard against the bill.

Locus standi allowed, but only against the leasing powers sought to be obtained by the bill.

(*Law Times Reports*, p. 330.)

THE ELY AND OGMORE VALLEYS JUNCTION RAILWAY BILL, 1865.

Petition of Messrs. BROGDEN & SONS.

The object of the bill was to authorise the promoters to make a railway from the Ely Valley to the Ogmore Valley Railway.

The bill was opposed by the petitioners, who styled themselves in their petition "owners, lessees, and occupiers of lands, works, and minerals in the line, and along the course, and in the immediate neighbourhood of the railways projected by the said bill," on the

ground that another bill before Parliament, called "The Ogmore Valley Bill," would be preferable, and more advantageous for the landowners and mineral owners of the district.

The *locus standi* of the petitioners was objected to on the ground that the bill did not propose to take or interfere with the property of the petitioners, and that their rights would not be affected by the proposed bill.

When the case came on for argument it was stated by the counsel for the petitioners that, since the presentation of the petition, the petitioners had purchased certain lands, notice to take which had been given by the promoters; and he argued that the statement in the petition that the petitioners were owners of minerals "in the line" would be sufficient to give them a *locus standi*, and that the purchase of the land was *bonâ fide*, and not for the purpose of obtaining a *locus standi*. [Counsel stated, that in 1864, a committee had refused a *locus standi* to the North British Railway Company against a bill promoted by the Scottish Central Railway Company, the petitioners having bought some land which the Scottish Central were obliged to take; it being clear that such purchase was colorable, and made to obtain a *locus standi* against the bill.]

The petitioners also insisted on their right to be heard as owners of minerals adjacent to the line.

The *locus standi* of the petitioners was objected to on the grounds that they could not be heard under Standing Order, H.C. 133, as inhabitants of a district, and that a single trader had no right to be heard against a bill, and that the petitioners might have presented another petition after the purchase of land proposed to be taken, alleging in such petition that they were owners of such land.

Locus standi disallowed.

(*Law Times Reports*, p. 248.)

THE FAREHAM AND NETLEY RAILWAY BILL, 1865.

Petition of W. C. HUMPHREYS.

The object of the bill was to authorise the promoters (*inter alia*) to construct a certain railway, and a bridge or viaduct, over the Bursledon or Hamble river.

The bill was opposed by the petitioner, a landowner (not within the limits of deviation), on the ground that the situation of his property was such that it commanded an extensive and picturesque view, which would be greatly marred by the said railway, and that if the bridge were made, he would not be able to keep his yacht at the usual anchorage-ground above the river facing his property, which extended down to the banks of the river, but that he would be obliged to keep it four miles lower down the river.

The *locus standi* of the petitioner was objected to on the ground that no property of the petitioner was proposed to be taken, and that neither he nor his tenants had any interest in the river.

Locus standi disallowed.

(*Law Times Reports*, p. 88.)

THE SOUTH EASTERN RAILWAY BILL, 1865.

Petition of the SKINNERS' COMPANY.

The object of the bill was (*inter alia*) to repeal the 42nd section of the Charing Cross Railway (City) Act, 1861, which provided that in making the Charing Cross Railway, that company should not stop up or reduce in width (among other places) Dowgate Hill, in the City of London.

The bill was opposed by the petitioners on the ground that they derived light and air to the ancient windows of their hall and residence by means of the open space over Dowgate Hill, and that if the said section, No. 42, were repealed, they would be deprived of their accustomed light and air.

It appeared by their petition that, at the time of the passing of the Charing Cross Railway (City) Act, 1861, the petitioners had been successful in causing the insertion in that act of section 42, and that the powers and obligations of the Charing Cross Railway Company were vested in, and obligatory on the company of the promoters; and that, notwithstanding the prohibitory section before mentioned, the promoters had, in violation of the said act, taken and appropriated to themselves for their railways and works part of Dowgate Hill, but that Her Majesty's Attorney-General and the petitioners had filed an

information and bill in the Court of Chancery against the Charing Cross Railway (City) Company, and thereon an injunction was awarded to restrain the works of the defendants aforesaid, and that such injunction was still in full force.

The *locus standi* of the petitioners was objected to on the grounds that their property was not within the limits of deviation, and that their proper remedy, if they suffered any injury, was under the 68th section of the Lands Clauses Consolidation Act, 1845.

Locus standi disallowed.

(*Law Times Reports*, p. 97.)

THE NORTH LONDON, HIGHGATE, AND ALEXANDRA PARK RAILWAY BILL, 1865.

Petition of the EXECUTORS of the late TIMOTHY BYRNE and OTHERS.

The object of the bill was to authorise the construction of a certain railway.

The bill was opposed by the petitioners on the ground that the railway proposed would cross the road in front of a certain inn, of which one of the petitioners was the owner, and the others the lessees, by means of a high viaduct, and thereby the petitioners' property would be injuriously affected; but that it was doubtful whether they could obtain any compensation under the Lands Clauses Consolidation Acts, in respect of any depreciation the property might suffer.

The *locus standi* of the petitioners was objected to on the ground that no property of theirs was intended to be taken, and that they were not entitled to be heard merely because any property of theirs, not within the limits of deviation, might be injuriously affected by the proposed works.

Locus standi disallowed.

(*Law Times Reports*, p. 128.)

III. TRADERS, FREIGHTERS, &c.

THE FAREHAM AND NETLEY RAILWAY BILL, 1865.

Petition of certain OWNERS of WHARFS and QUAYS, &c.

The object of the bill was to authorise the promoters (*inter alia*) to construct a bridge or viaduct over the Bursledon or Hamble River.

The bill was opposed by the petitioners, some of whom were the owners and occupiers of various wharfs or quays at or near the said river, carrying on considerable business in connection therewith, on the ground that the proposed bridge would create a serious obstruction to the navigation of the river, and prevent the user of the waterway thereof by the great majority of vessels accustomed to pass up the river with various articles of merchandise, and to discharge their cargoes at the wharfs and quays belonging to the petitioners.

The *locus standi* of the petitioners was objected to on the ground that they had no interest in the river, and that the Court of Admiralty were the conservators of the river navigation, and that as their property was not touched they had no right to be heard.

Locus standi of the owners and occupiers of wharfs and quays allowed.

(*Law Times Reports*, p. 88.)

THE NORTH STAFFORDSHIRE RAILWAY BILL, 1865.

Petition of the OWNERS of MINES and MINERALS.

This was a bill to authorise (*inter alia*) the construction by the North Staffordshire Railway Company of certain railways, only one of which was of the length of six miles; and it was also proposed in the bill to authorise the company to take the same tolls in respect of

the new railways as they were empowered to take in respect of their general line, which would have the effect of enabling the company to charge a toll for six miles for any traffic carried over any part of the new lines.

The bill was opposed by the petitioners, who were owners and workers of mines and minerals in the district through which the proposed railways would pass, on the ground that, as a considerable quantity of minerals passed over short distances, the right to charge the six-mile toll should be altered, both as to the proposed lines and also as to the existing lines of the company; and they contended that they had a right to be heard, not only as owners of mineral property, but also as traders.

The general *locus standi* of the petitioners (their *locus standi* as owners of mineral property against parts of the bill being admitted) was objected to by the promoters on the grounds that traders and freighters did not come within any standing order allowing a *locus standi* to petitioners, and that there was no precedent for their being heard.

Locus standi allowed.

(*Law Times Reports*, p. 157.)

THE LONDON AND NORTH-WESTERN RAILWAY (NEW WORKS IN ENGLAND AND SCOTLAND) BILL, 1865.

Petition of MERCHANTS, &c., of LIVERPOOL.

The object of the bill was to authorise the promoters (*inter alia*) to construct certain railways, and it was provided by the bill "That the railways to be made and the railways to be widened and improved by the company under its powers shall, with respect to tolls, rates, and charges, be part of the undertaking of the company."

The bill was opposed by the chairman and several members of the Chamber of Commerce, and certain merchants and traders of Liverpool, on the ground that the general tolls, rates, and charges of the company were in many cases fixed in an unfair and arbitrary manner, by which the Petitioners and the trade of Liverpool suffered; and

that the company's system of fixing the scale of tolls, rates, and charges, was partial and unequal, and framed with a view to forcing traffic by particular routes to particular points, and thereby increasing the company's receipts at the expense of (among other places) Liverpool; and the petitioners submitted that such system, and such scale of rates, tolls, and charges, ought not to be extended to any railways or works, but that the abuses of the system should be remedied by general revision and regulation of the company's charges under the present bill; and they called the attention of the committee to the standing order of the House of Commons, 156, which directs the committee to fix and determine tolls and charges, which could not be properly done without hearing the parties to be affected by such tolls and charges.

The *locus standi* of the petitioners was objected to on the ground that their simply being dissatisfied with existing rates ought not to give them a *locus standi* against a bill for new works, &c.; and that they could only be heard on one of these grounds: either that they were injuriously affected by the proposed works, or that any rights they might possess were about to be invaded, or that they were to be subjected to increased tolls and charges.

Locus standi allowed against so much of the bill as related to tolls, rates, and charges.

(*Law Times Reports*, p. 183.)

THE MONMOUTHSHIRE RAILWAY AND CANAL BILL, 1865.

Petition of certain FREIGHTERS.

The object of the bill was (*inter alia*) to authorise the promoters to execute additional works.

The bill was opposed by the petitioners, on the ground that the company had not completed and opened for traffic all the lines of railway they were authorised to construct under certain Acts of Parliament of 1853 and 1861; and also that the powers conferred on the company by a former Act, to levy tolls for articles and persons

conveyed on the railway for a less distance than four miles, and to demand, in addition to such prescribed toll for conveyance, a reasonable charge for the expense of stopping, loading, and unloading, were unfair and unreasonable.

The *locus standi* of the petitioners was objected to on the ground that the non-completion of the works did not concern them more than the rest of the public, and that the clauses relating to terminal charges were usual in all railway bills.

Locus standi allowed.

(*Law Times Reports*, p. 327.)

THE SWANSEA CANAL TRANSFER BILL, 1865.

(1.) Petition of the YSTALYFERA IRON COMPANY.
(2.) Petition of H. VIVIAN and Others.
(3.) Petition of T. STRICK and Others.

The object of the bill was (*inter alia*) to authorise the transfer of Swansea Canal to the Neath and Brecon Railway Company.

The Bill was opposed by the above-mentioned petitioners; the first, the Ystalyfera Iron Company, who were the owners of extensive iron and tin-plate works at Ystalyfera, and certain collieries and works, and also of a branch canal situate in or near to the Swansea Valley, and adjacent to and communicating with the Swansea Canal; and in their petition they alleged that they were the largest traders on the canal proposed to be transferred, and paid one-third of the entire tolls received by the canal company, and that an agreement had been come to between the petitioners and the canal company by which the canal company had reduced the tolls or freights payable by the petitioners, they guaranteeing a certain amount of traffic on the canal for a certain number of years; and the petitioners objected to the transfer of the canal to the railway company, which they contended would create a monopoly in the hands of the railway company, who might make the canal subservient to the interests of the railway, and the petitioners contended that if the bill were passed there ought to be a revision of the tolls and charges payable in

respect of the user of the canal, and provisions inserted in the bill to compel the railway company to keep the canal in proper repair.

The other petitioners were also owners of collieries, who objected to the bill on similar grounds.

The *locus standi* of all the petitioners was objected to on the ground that by the act of parliament authorising the construction of the canal the canal company were bound to maintain the canal in proper repair, and that this duty would be obligatory on the railway company, and that the petitioners ought not to be heard against the bill on the question of tolls, as that question was not involved in the bill.

Locus standi allowed to the three petitioners.

(*Law Times Reports*, p. 402.)

THE SWANSEA CANAL TRANSFER BILL, 1865.

Petition of the SWANSEA HARBOUR TRUSTEES.

The object of the bill was (*inter alia*) to authorise the transfer of the Swansea Canal to the Neath and Brecon Railway Company.

The bill was opposed by the petitioners, who were the conservators of Swansea harbour and owners of docks in the said harbour, and of wharfs, quays, and lands adjoining those docks, on the ground that the canal was under the control (as the Legislature intended in authorising the construction thereof) of parties whose sole interest was to allow the use thereof freely and indifferently to all freighters and others using the canal, and that it was highly expedient and necessary for the public interests that the said canal should remain in such hands and under such control, and not be placed in the hands of the railway company, which might have peculiar interests opposed to the general interests of the public.

The *locus standi* of the petitioners was objected to on the ground that there was no allegation in the petition that the promoters would exact maximum rates, and that the proprietors of the canal could have done so if they had thought it would have been to their advantage, and that the petitioners' rights, therefore, would in no way be imperilled.

Locus standi allowed.

(*Law Times Reports*, p. 404.)

THE ROACH RIVER FISHERY BILL, 1865.

Petition of the OWNERS of the FORESHORE and OWNERS of OYSTER BEDS in the RIVER ROACH, and DREDGERMEN and FISHERMEN of BRIGHTLINGSEA, BARNHAM, and PAGLESHAM.

This was a bill to incorporate a company, and to authorise them to establish and maintain an oyster fishery in the River Roach.

This bill was opposed by the petitioners, who were the owners of the foreshore, &c., on the ground that it was calculated to deprive them of rights incident to their property, and also to depreciate its value; and it was alleged in the petition that that part of the River Roach proposed to be monopolised under the authority of the said bill had been, time out of mind, common fishing ground, and formed part of the nursery beds from which the proprietors of the adjoining oyster-layings procured their brood of young oysters through the agency of the dredgermen and fishermen on the Essex coast, several of whom were petitioners against the bill; and that some of the petitioners, and many other persons objecting to the bill, had laid out large sums of money in the said river, and that a proposal to make oyster-grounds which could overlap those of the petitioners, thereby preventing them from following the spat and brood which, though generated from the stock on the grounds of the petitioners, would necessarily float on to those of the proposed company, would be manifestly unjust.

The *locus standi* of the petitioners, owners of the foreshore, was objected to on the ground that the bill did not propose to interfere with the foreshore; and of the dredgermen and fishermen on the ground that they did not show that their private rights or interests would be affected, and that they had no more right to be heard than others of the general public. It appeared also that some of the dredgermen had been heard on clauses in the House of Lords, and an objection on that ground also was taken to their *locus standi*.

Locus standi of the owners of the foreshore disallowed, and of the dredgermen and fishermen allowed, except as to those who had appeared on clauses in the House of Lords, whose *locus standi* was disallowed.

(*Law Times Reports*, p. 591.)

THE ELY AND OGMORE VALLEYS JUNCTION RAILWAY BILL, 1865.

Petition of Messrs. BROGDEN & SONS.

For the report of this case, see the preceding chapter, p. 66.

THE CALEDONIAN AND SCOTTISH CENTRAL RAILWAY COMPANIES' BILL, 1865.

Petition of WILLIAM BAIRD & COMPANY.

The object of the bill was (*inter alia*) to amalgamate the Caledonian and Scottish Central Railway Companies.

The bill was opposed by the petitioners, who constituted a single firm of ironmasters, on the ground that by the said bill it was proposed to take power to levy, for mineral and other traffic of that class, rates, tolls, and charges, considerably in excess of those which were actually levied, although the rates, tolls, and charges levied by the said companies respectively were greatly in excess of what ought justly to be charged against the public and traders.

The *locus standi* of the petitioners was objected to on various grounds; but the principal objection, and the one upon which the decision turned, was, that a single trader, or single firm of traders, had no right to be heard against a bill, inasmuch as the object of such single trader or firm of traders would be to make terms for themselves individually, and not to protect the interests of a class.

Locus standi disallowed.

(*Law Times Reports*, p. 433.)

THE LANCASHIRE UNION RAILWAYS BILL, 1865.

Petition of TRADERS AND MANUFACTURERS at WIDNES.

The object of the bill was (*inter alia*) to authorise the promoters to construct various lines of railway in Lancashire, one of which would connect the port of Garston with the coal-fields of Wigan.

The bill was opposed by the petitioners, on the ground that the town and port of Widnes were seven miles nearer than the port of Garston was to the Wigan coal-fields, and that, therefore, the rates, tolls, and charges, should be less between such coal-fields of Widnes than between the same coal-fields and Garston; but that the promoters of the bill had agreed with certain large coal-owners at Wigan that they would carry coals from the said coal-fields to Widnes and to Garston at a uniform gross rate.

The *locus standi* of the petitioners was objected to on the ground that the rates, tolls, and charges, to be taken under the authority of the bill, only related to coals carried for shipment at either of the ports; and that the bill could not affect the petitioners, inasmuch as the bill did not in any way deal with the tolls, rates, and charges to be made for coals to be consumed for ordinary purposes.

Locus standi disallowed.

(*Law Times Reports*, pp. 165 and 357.)

THE MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY (EXTENSION, &c.) BILL, 1865.

Petition of MERCHANTS and TRADERS of LIVERPOOL.

The object of the bill was (*inter alia*) to authorise the promoters to make a railway to Liverpool.

The bill was opposed by members of the Chamber of Commerce and merchants and traders of Liverpool, on the ground that the proposed railway would be of no public or local advantage, "unless stringent and effective provisions were inserted in the bill for securing an equal and impartial scale and arrangement of the tolls and charges over the company's system, and for preventing them from prejudicing or favouring particular places and routes at the expense of others."

The *locus standi* of the petitioners was objected to on the ground that the bill only asked leave to apply to new railways the old rates, tolls, and charges, and that there was no complaint in the petition that such rates, tolls, and charges, were excessive.

Locus standi disallowed.

(*Law Times Reports*, p. 184.)

IV. COMPETITION.

THE ABERYSTWITH AND WELSH COAST RAILWAY BILL (STEAMBOATS) 1865.

Petition of the STEAMSHIP OWNERS ASSOCIATION of LONDON.

The object of the bill was (*inter alia*) to authorise the promoters (a railway company) to provide and use steam and other vessels.

The bill was opposed by the petitioners on the ground that the promoters sought by the bill for powers to make, purchase and hire, and work and use, &c., any steam and other vessels they might think fit, and in such vessels to convey passengers, minerals, animals, and goods between a number of ports in Wales, and any ports and places on the coast of Ireland as the promoters should think fit; and that the petitioners' association, representing a large amount of tonnage of British steam shipping carrying on communication between England and Ireland, would be injuriously affected by the competition proposed by the bill; and it was argued that, since the Standing Order H. C., 153, had been passed, it was customary to hear shipowners against the acquisition of powers to employ steamboats by railway companies, and that that custom had become general.

The *locus standi* of the petitioners was objected to on the ground that there was no allegation in the petition that the ports in Wales specified in the petition were used by vessels belonging to members of the association. [It was admitted by the counsel for the promoters that, had such an allegation been made, the petitioners would have had a *locus standi*.]

Locus standi allowed.

(*Law Times Reports*, p. 246).

THE NORTH KENT RAILWAY BILL, 1865.

Petition of the LONDON, CHATHAM, AND DOVER RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the construction of a railway from the North Kent Railway to the Medway, and of a pier on that river.

The bill was opposed by the petitioners on the ground that the line proposed would, by joining the North Kent Railway, form a direct line between London and the River Medway opposite Sheerness, and compete injuriously with the petitioners who were the owners of a line from London to Sittingbourne, and also the lessees of a line from Sittingbourne to Sheerness; and that, although the line of the promoters was situated on the side of the River Medway opposite to the line of the petitioners, the object of the promoters in constructing the line and pier was really to obtain the Sheerness traffic.

The *locus standi* of the petitioners was objected to on the ground that the distance between the proposed terminus on the Medway and Sheerness was two and a half miles, and that therefore there could be no competition between the intended line and that of promoters, or, if there were any competition, that it would be so remote as not to entitle the petitioners to be heard on that ground; and that the proposed line was really only a local one for the accommodation of the district.

Locus standi allowed.

(*Law Times Reports*, p. 561).

THE NORTH BRITISH AND EDINBURGH AND GLASGOW RAILWAY COMPANIES' BILL, 1865.

Petition of the GREAT NORTHERN RAILWAY COMPANY.

The object of the bill was (*inter alia*) to amalgamate the North British and Edinburgh and Glasgow Railway Companies.

The bill was opposed by the petitioners on the ground that the

undertakings proposed to be amalgamated formed part of the channel of communication known as the East Coast route between England and Scotland; and that the line of the petitioners formed the southern portion of that route, and that an agreement had long since subsisted between the promoters and the petitioners and other railway companies, which formed not only the east but also the west coast route as to traffic arrangements, and that this agreement was entered into to prevent competition between the London and North Western route, and the Great Northern route to Scotland, and the effect of which was that, whichever of the latter two companies carried traffic to the north of Scotland, each company got half the profits, but that such agreement would terminate in 1870; and that the proposed amalgamation might completely shut out the petitioners from the carrying of the traffic to the north of Scotland: That the effect of the amalgamation would be that the traffic from England to Scotland might go by the west coast route, inasmuch as the North British Railway Company commanded both the east and the west coast routes, and that this amalgamation would be far worse than the amalgamation of the Edinburgh and Glasgow and the Caledonian Railway Companies, which Parliament had refused to permit, and that the general effect of the amalgamation would be to put into the hands of the North British Railway Company the power to divert from the petitioners' railway the traffic from England to the north and west of Scotland.

The *locus standi* of the petitioners was objected to on the ground that the proposed amalgamation could give no more power to the North British Railway Company to divert traffic from the east to the west coast than they already possessed. That at the date of the agreement referred to, the North British was an east coast line, and all their English traffic had to be carried to Newcastle and York: that the bill for the amalgamation referred to was rejected on the ground that the Edinburgh and Glasgow was part of the east coast route, and that that arrangement was adverse to public interests; but that what was at present proposed was widely different, viz., the line of the Edinburgh and Glasgow Railway Company being treated as a continuation of the North British, the North Eastern Railway Company, whose line commenced at York, had running

powers to Edinburgh, so as to protect the east coast traffic, and prevent the companies proposed to be amalgamated from sending it by way of Carlisle, and that if the amalgamation were not to take effect, the Edinburgh and Glasgow Railway Company might take all their traffic to Carlisle, and that the bill gave them no further powers than they already possessed to do so; and that the proposed amalgamation could not in any way affect the petitioners, as it gave the North British Railway Company no more power than they already possessed, which enabled them to divert all the southern traffic to the east or west coast as they might think fit.

Locus standi disallowed.

(*Law Times Reports*, p. 401.)

THE BRECON AND MERTHYR TYDFIL RAILWAY JUNCTION (AMALGAMATION, &c.) BILL, 1865.

Petition of the NEATH and BRECON RAILWAY COMPANY.

The object of the bill was (*inter alia*) to enable the promoters, hereafter called the Brecon Railway Company, to acquire the Hereford, Hay, and Brecon Railway, hereafter called the Hereford Railway.

The bill was opposed by the petitioners on the ground that their railway, when completed, would not only open up a new district between Brecon and Neath, but would also, in connection with the Hereford Railway, form a direct through route between the southern and midland counties of England, and the towns and ports of Swansea and Neath, and that the petitioners had relied upon an interchange of traffic with the Hereford Company.

That the petitioners were apprehensive that, if the bill should be passed, the traffic between the Shrewsbury and Hereford Railway on the one hand, and the Swansea and Neath Railway on the other, would be carried by a longer and inferior route viâ Merthyr, and the petitioners would be deprived of the traffic which legitimately belonged to them, and the public would be excluded from the shortest and best communication.

The *locus standi* of the petitioners was objected to on the ground

that the railways of the companies proposed to be amalgamated did not extend to Swansea, and that, therefore, there could be no competition on their part with the petitioners.

Locus standi disallowed.

(*Law Times Reports*, p. 359.)

THE OGMORE VALLEY AND ELY VALLEY EXTENSION RAILWAY COMPANIES BILL, 1865.

Petition of the GREAT WESTERN RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the amalgamation of the Ogmore Valley and the Ely Valley Extension Railway Companies.

The bill was opposed by the petitioners, the Great Western Railway Company, on the ground that they were the lessees, for a long term of years, of the Ely Valley Railway, of which the Ely Valley Extension Railway was a short extension, and that the lines of the two companies proposed to be amalgamated were in an unfinished state, and were situated in different valleys at some distance from each other, and that the result of passing the bill would be to convert the Ely Valley Extension Railway from a broad gauge line (and, as such, bringing traffic to the line of the petitioners) into a narrow gauge line, which would injuriously compete with the petitioners by depriving them of the traffic of the Ely Valley Extension Railway, which would naturally come over the line of the petitioners, and for the purpose of regulating which a clause had been inserted in the act incorporating the Ely Valley Extension Railway Company by which that company and the petitioners, as lessees of the Ely Valley Railway, were bound to afford each other proper facilities for the due interchange and transmission of traffic.

The *locus standi* of the petitioners was objected to on the ground that a clause granting the petitioners facilities for the interchange and transmission of traffic over the line of a company proposed to be amalgamated with another company ought not to entitle them to be heard against a bill for such purpose.

Locus standi disallowed.

(*Law Times Reports*, p. 157).

THE CAMBRIAN RAILWAY (ABERYSTWITH AND WELSH COAST RAILWAY AMALGAMATION) BILL, 1865.

Petition of the MID-WALES RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the vesting of the Aberystwith and Welsh Coast Railway in the Cambrian Railways Company by amalgamation, sale, or lease.

The bill was opposed by the petitioners on the grounds that when the bill, which was passed into law as the "Cambrian Railways Act, 1864," was before the house, they opposed the same, and before the bill was passed the promoters came to an arrangement with the petitioners, the result of which was the introduction into the bill of four sections whereby the petitioners and the Cambrian Railway Company were bound to afford to each other facilities proper and sufficient for a full and free interchange of all traffic, and were respectively to have the right to establish and at all times maintain at and between their respective stations a complete system of through fares, rates, and of through booking, invoicing and a mutual interchange of rolling stock, except locomotive engines. That by a former section of the same act, the Cambrian Railways Company and the petitioners, and the Manchester and Milford Railway Company, or either of them, were empowered to make and carry into effect traffic arrangements; and that the bill when it passed through the house during the session of 1864 included provisions for the amalgamation of the undertaking of the Aberystwith and Welsh Coast Railway Company, and that the above mentioned sections which were introduced into the act, would have extended to and embraced that undertaking, if that undertaking had not been struck out of the bill during its subsequent progress; and they contended that the consideration for the grant of facility clauses and running powers by the petitioners over their line had been made upon the expectation that they should enjoy the like facilities over the whole system of the Cambrian Railways Company, including the Aberystwith and Welsh Coast Railway, and that such facilities should be specifically assured to them by the bill.

The *locus standi* of the petitioners was objected to on the ground

that the words in the act of 1864, viz.: "The Cambrian Railways Act" could only apply to the railways as constructed at the time of passing the act, and that the present bill in no way interfered with the petitioners' rights or interests.

Locus standi disallowed.

(*Law Times Reports*, p. 356.)

THE BRECON AND MERTHYR TYDFIL JUNCTION RAILWAY (AMALGAMATION, &c.) BILL, 1865.

Petition of the GREAT WESTERN RAILWAY COMPANY.

The object of the bill was (*inter alia*) to enable the promoters, hereafter called the Brecon Railway Company, to acquire the Hereford, Hay, and Brecon Railway, hereafter called the Hereford Railway.

The bill was opposed by the petitioners on the following grounds:—

That the railways of the Hereford Company communicated with and joined the railway of the petitioners at Hereford, and by an agreement with the petitioners, the Hereford Company were to be admitted over a new connecting line about to be constructed by the petitioners at Hereford into their Barr's Court station there, and the Hereford Company were using the Barton station of the petitioners at Hereford:

That the railways of the Brecon Company communicated with and joined the petitioners' Newport, Abergavenny and Hereford Railway in the Rumney Valley, and the petitioners interchanged traffic with the railways of that company:

That if the amalgamation or transfer proposed were sanctioned, the parties thereto, instead of interchanging traffic with the petitioners, would become competitors with them, and would deprive them of traffic which was accustomed to pass over their railways:

That if the bill were passed, the amalgamated companies would use the stations of the petitioners at Hereford, and the new connecting line there, for the purpose of diverting traffic from the system of railways of the petitioners:

That if the bill were passed, provisions should be inserted therein for the protection of the petitioners, and for securing them facilities for traffic.

The *locus standi* of the petitioners was objected to on the ground that the bill gave no additional power to use the line or stations of the petitioners; and that the competition complained of would be of a slight character.

Locus standi disallowed.

(*Law Times Reports*, p. 158.)

THE HAVANT, HAMBLEDON, AND DROXFORD RAILWAY BILL, 1865.

Petition of the LONDON and SOUTH WESTERN RAILWAY COMPANY.

The object of the bill was to authorise the promoters (*inter alia*) to make a line from Havant, a station on the London, Brighton, and South Coast Railway to Hambledon, and thence to join the Petersfield and Bishop's Waltham Railway.

The bill was opposed by the petitioners on the ground that they had running powers over the last-named railway, and that the bill proposed to interferewith such railway, and also with the Mid-Hants Railway Company, with which they had powers to make working arrangements, and that the bill contained a clause authorising the promoters to make traffic agreements with the petitioners.

The *locus standi* of the petitioners was objected to on the ground that the promoters did not compete with any railway of which the petitioners were owners or lessees; and that the clause in the bill authorising the promoters to make traffic arrangements with the petitioners was merely a permissive and not a compulsory clause.

Locus standi disallowed.

(*Law Times Reports*, p. 95.)

THE TOOTING, MERTON, AND WIMBLEDON EXTENSION RAILWAY BILL, 1865.

Petition of the LONDON, CHATHAM, and DOVER RAILWAY COMPANY.

The object of the bill was (*inter alia*) to vest the Tooting, Merton, and Wimbledon Railway in the London, Brighton, and South Coast, and the London and South Western Railway Companies; and to grant running powers to the last-named company, by which they would be enabled to bring traffic into the Knight's Hill Station.

The bill was opposed by the petitioners on the ground that such station was built by the London, Brighton, and South Coast Railway Company in pursuance of an agreement with the petitioners by which they were bound to pay interest on the cost of the said station in proportion to the traffic they brought into and took from it: and that therefore they had a right to object to any third company being placed so far as regarded that station, on an equal footing with themselves.

The *locus standi* of the petitioners was objected to on the ground that they had no property in the station, and that their right of user of the station could give them no right to be heard against a bill to give the same right to another company.

Locus standi disallowed.

(*Law Times Reports*, p. 96.)

THE MANCHESTER AND MILFORD RAILWAY BILL, 1865.

Petition of the LLANELLY RAILWAY and DOCK COMPANY.

The object of the bill was (*inter alia*) to authorise the Manchester and Milford Railway Company, either alone or jointly with the Carmarthen and Cardigan Railway Company (hereinafter called the Cardigan Company), to lay down an additional line of rail, and to execute all such works as might be necessary or proper for constructing a mixed gauge upon the Cardigan Railway, between the point of junction therewith of the Manchester and Milford Railway and the Carmarthen station; and to run over and use with their

engines and carriages any part of the Cardigan Railway upon which the mixed gauge should have been constructed.

The bill was opposed by the petitioners on the following grounds: That they were the proprietors of a narrow-gauge system of railways, one portion of which extended to the Cardigan (broad gauge) Railway, near Abergwili:

That the petitioners had, under parliamentary sanction, laid down additional rails upon the Cardigan Railway, between the junction of the petitioners' railway therewith and the junction of the Cardigan Railway with the South Wales Railway:

That the petitioners had running powers over the narrow-gauge rails on the Cardigan Railway, and it would be indispensably necessary to them that such powers should not be injuriously interfered with; and they submitted that the powers sought for as above by the promoters, would seriously interfere with the rights of the petitioners, and would be attended with obstruction to their traffic and danger to the public.

The *locus standi* of the petitioners was objected to on the ground that the rails laid down by them became the property of the Cardigan company, who alone could be heard in opposition to the bill.

Locus standi disallowed.

(*Law Times Reports*, p. 331.)

THE BRECON AND MERTHYR TYDFIL JUNCTION RAILWAY (AMALGAMATION, &c.) BILL, 1865.

Petition of the MID-WALES RAILWAY COMPANY.

The object of the bill was (*inter alia*) to enable the promoters, hereafter called the Brecon Railway Company, to acquire the Hereford, Hay, and Brecon Railway, hereafter called the Hereford Railway.

The bill was opposed by the petitioners on the following grounds:—

That their railway commenced near Llanidloes, by a junction with the Montgomeryshire system of railways, and joined at Tal-y-llyn, the railway of the Brecon Company, and formed part of a direct route from Merthyr Tydfil to Lancashire and the north of England:

That the petitioners and the Brecon Company had mutual running powers over each other's lines in pursuance of an agreement, the spirit and intention of which was, according to the statement of the petitioners, that the Brecon Company should send their traffic to the north by means of the petitioners' railway:

That the main object for the making of the petitioners' railway was to provide communication between South Wales and the manufacturing districts of Cheshire and Lancashire; and that the Hereford Railway was sanctioned by parliament as a line of railway leading from Hereford to Brecon in an east and west direction; but that the Hereford Company, without any parliamentary authority, had abandoned the portion of the line which was to have been made between Glasbury and Brecon:

That the railway of the Hereford Company at its termination (as executed) near Glasbury, joined the railway of the petitioners, and in order to work the line of the Hereford Company under the power of amalgamation or transfer sought by the bill, the Brecon Company must exercise their power of running over the portion of the railway of the petitioners which was between Tal-y-llyn and Glasbury:

That the result of placing the line of the Hereford Company under the sole management and control of the Brecon Company would be that, instead of sending any traffic to the north over the railway of the petitioners, as contemplated by the petitioners when they entered into the said agreement, it would be for the interest of the Brecon Company to divert the whole of such traffic, and to send it to the north over the line of the Hereford Company, while at the same time they would use their running powers over the railway of the petitioners between Tay-y-llyn and Glasbury for the very purpose of such diversion.

The *locus standi* of the petitioners was objected to on the ground that the Brecon Company, being already possessed of running powers over the line of the petitioners might at present make use of such running powers to divert their traffic to the north over the line of the Hereford Company, and that therefore the amalgamation proposed would in no way affect the petitioners.

Locus standi allowed.

(*Law Times Reports*, p. 357.)

THE LLANTRISSANT AND TAFF VALE JUNCTION RAILWAY BILL, 1865.

Petition of the OGMORE VALLEY RAILWAYS COMPANY.

The object of the bill was (*inter alia*) to enable the Llantrissant and Taff Vale Junction Railway Company (hereafter called the Llantrissant Company) to make a railway to join the Taff Vale Railway, and to extend their Llantrissant Common Branch; and the bill also contained clauses empowering the Llantrissant Company to make a new railway from their Llantrissant Common Branch to the Ely Valley Railway Company (in the bill distinguished as Railway No. 2), and which was to be deemed for all purposes whatever part of the undertaking of the Llantrissant Company, as if it had been authorised by that company's act of 1861, and also clauses empowering the Llantrissant Company to lay down a third line of rail on so much of the main line of the Ely Valley Railway as would be situate between the point of junction therewith of the said railway No. 2, and the northern termination of the said main line, and also on the branch railway of the Ely Valley Railway Company leading to Mynydd Gellyrhaidd, and also upon the whole authorised railway of the Ely Valley Extension Company, so as to adapt those railways respectively to both the narrow and broad gauge systems; and also empowering the Llantrissant Company, or any company for the time being, working the traffic upon the railway of that company to use with engines and carriages of either gauge the railways or portion of railway on which such third line should be laid down, together with all stations, sidings, and watering-places connected therewith.

The bill was opposed by the petitioners, who were incorporated by the Ogmore Valley Railways Act, 1863, for the purpose of making and maintaining several railways from the Llynvi Valley Railway into the Ogmore Valley, on the ground that they, in conjunction with the Llynvi Valley Railway Company, were constructing works for the improvement of the harbour of Port Cawl, for the purpose of rendering it capable of shipping larger quantities of the Ogmore Valley coal than it otherwise could have done:

That the petitioners had nearly completed the construction of their railway on the narrow-gauge system, and that it was necessary that

direct and convenient communication by railway on the narrow-gauge system should be opened between the said valley and the ports of Cardiff and Newport:

That the Ely Valley Extension Railway Company was incorporated by Act of Parliament, in 1863, for the purpose of making a short railway from the said Mynydd Gellyrhaidd branch of the Ely Valley Railway into another valley lying about three miles east of the railways of the petitioners, and that the union of the said railway (which was in course of construction) with the railways of the petitioners was an obvious necessity, and the petitioners had arranged for the amalgamation of such company's undertaking with their own, and a bill for that purpose was pending in Parliament:

That two other bills promoted by the petitioners, viz., the Ogmore Valley Railways new works (No. 1) and (No. 2), were also pending in Parliament; the objects of which were to construct lines of railway to unite the Ogmore Valley Railways and the Ely Valley Extension Railway, and to lay down the narrow-gauge on the railways of other companies intervening between that of the Ely Valley Extension Company and Cardiff, so as to establish a direct and the shortest and best railway route between the minerals of the Ogmore and Ely Valleys and the ports of Cardiff and Newport:

That in case the bill should be passed into law, the company for the time being working the traffic of the Llantrissant Company, and in whom, therefore, the said power (to be authorised by the bill) of using the railways on which such third line of rail would be authorised to be laid down, would be the Taff Vale Railway Company, to whom, as the petitioners alleged, the undertaking of the Llantrissant Company was leased, and by whom the bill was really promoted:

That the undertaking comprised in the bill would compete with the undertaking comprised in the petitioners' before mentioned Ogmore Valley Railways New Works Bill (No. 1) and (No. 2).

It was contended by the petitioners that, though the proposed undertaking would not touch the railways of, and proposed by, the petitioners, it would, by joining other lines, form a direct competing route to Cardiff.

The *locus standi* of the petitioners was objected to on the ground

that the proposed bill did not authorise the taking or interfering with any of the lands, stations, or accommodations of the petitioners, or in any way alter or affect their rights, and that the railway proposed to be made would not, if sanctioned, compete with any railway of the petitioners.

Locus standi allowed.

(*Law Times Reports*, p. 282.)

THE BUTE DOCKS, CARDIFF (No. 1), BILL, 1865.

Petition of the PENARTH HARBOUR DOCK AND RAILWAY COMPANY.

The object of the bill was (*inter alia*) to authorise the promoters to construct certain docks at Cardiff.

The bill was opposed by the petitioners, who were the owners of railways and a tidal harbour at Penarth, near Cardiff, and owners of a dock in course of construction (all which works, however, had been leased by them for a long term of years to the Taff Vale Railway Company, in consideration of certain fixed payments, and a sum equivalent to one-half of the net profits arising from such works, after deducting those payments), on the ground that the proposed works would be highly injurious to the petitioners.

The *locus standi* of the petitioners was objected to on the ground that, having leased their undertaking to the Taff Vale Company, they had ceased to have any control over it.

Locus standi allowed.

(*Law Times Reports*, p. 284.)

V. MUNICIPAL AUTHORITIES AND INHABITANTS OF TOWNS, &c.

THE SEVERN JUNCTION RAILWAY BILL, 1865.

Petition of the CORPORATION OF TEWKESBURY.

The object of the bill was to authorise the promoters to construct (*inter alia*) a bridge across the River Severn.

The bill was opposed by the petitioners, who not only objected to the bill in their capacity as a corporation (under Standing Order of the House of Commons, 133), but also as being owners of wharfs, quays, lands, and property on the banks of the river, and entitled to tolls for wharfage, landing, and depositing of goods; and they alleged that their rights and interests would be injuriously affected by the obstruction to the navigation of the river which would be caused by the erection of the proposed bridge.

The *locus standi* of the petitioners as owners of wharfs, quays, &c., was not objected to, but their *locus standi* as a corporation under Order 133, was objected to on the ground that there was no allegation in the petition that the town of Tewkesbury would be injuriously affected.

Locus standi disallowed generally, but allowed to the petitioners as owners of wharfs and quays on the banks of the River Severn.

(*Law Times Reports*, p. 217.)

THE VALE OF CRICKHOWELL RAILWAY (EASTERN EXTENSION) BILL, 1865.

Petition of the ABERGAVENNY IMPROVEMENT COMMISSIONERS.

The object of the bill was (*inter alia*) to enable the Vale of Crickhowell Railway Company to make a certain extension line.

The bill was opposed by the petitioners, the Abergavenny Im-

provement Commissioners and 167 of the inhabitants of Abergavenny, on the following grounds:—

That they had supported the Vale of Crickhowell Railway Bill in 1864, and many of the inhabitants had become shareholders in that company in the belief that the line would be worked over the Merthyr, Tredegar, and Abergavenny Railway to and from Abergavenny, and thus afford to the said inhabitants the advantage of direct railway communication with the town and neighbourhood of Crickhowell:

That the works authorised by the Vale of Crickhowell Bill had not been commenced, and that the proposed railways would be most inconvenient, and that the turnpike roads by which the town of Abergavenny was approached from the west and south would be seriously interfered with by the construction of the said extension line, and the petitioners believed the same to be wholly unnecessary, and that it would be prejudicial to the public interests to confer on the Vale of Crickhowell Railway Company the powers sought by the bill.

The Referees called attention to the fact that it did not appear that the Improvement Commissioners had the management of these roads, and that there was no statement in the petition that the town of Crickhowell would be injuriously affected by the bill.

Locus standi disallowed.

(*Law Times Reports*, p. 329.)

THE MONMOUTHSHIRE RAILWAY AND CANAL BILL, 1865.

Petition of the CORPORATION OF NEWPORT.

The object of the bill was (*inter alia*) to authorise the promoters to execute additional works and to carry out certain agreements.

The bill was opposed by the petitioners on the ground that the railway of the promoters was constructed on the level across certain streets of Newport, and that the execution of the additional works would bring an accession of traffic over such level crossing.

The *locus standi* of the petitioners was objected to on the ground that their petition was really one complaining of past legislation.

Locus standi disallowed.

(*Law Times Reports*, p. 327.)

THE SWANSEA CANAL TRANSFER BILL, 1865.

Petition of the LOCAL BOARD OF HEALTH for the DISTRICT OF SWANSEA.

The object of the bill was (*inter alia*) to authorise the transfer of the Swansea Canal to the Neath and Brecon Railway Company.

The bill was opposed by the petitioners for the purpose of obtaining an alteration in the mode of rating the canal, and they rested their opposition on the allegation that by the act passed in the reign of George III., which authorised the making of the canal, it was enacted that the canal should be rated and charged to all parliamentary and parochial rates and assessments for any lands taken in pursuance of that act in the same proportion as other lands adjoining to or lying near the same should be rated and charged; and they protested that such a mode of rating lands used for the purpose of railways and canals was unfair, and opposed to modern legislation; and the petitioners submitted that the ancient mode of rating the canal should be altered, and that if the bill were passed, provisions should be inserted therein for rating and assessing the canal or railway upon the same principle as canals and railways were at present by law rated and assessed.

The *locus standi* of the petitioners was objected to on the ground that whatever duties were formerly imposed on the canal company would be still in force on the transferees, and that the exceptional regulations as to rating the canal were intended as a premium for the making of the canal.

[It does not appear that any objection was taken to the framing of the petition, which ought to have contained an allegation that "the district would be injuriously affected."]

Locus standi disallowed.

(*Law Times Reports*, p. 404.)

THE LONDON AND SOUTH-WESTERN RAILWAY (NEW LINES IN SURREY) BILL, 1865.

Petition of the INHABITANTS OF THE PARISH OF KINGSTON.

The object of the bill was to authorise the promoters to make (*inter alia*) a new line of railway commencing in the parish of Kingston.

The bill was opposed by parties styling themselves "the undersigned inhabitants of the parish of Kingston," on the ground that the proposed railway would obstruct and destroy certain public footpaths in the parish.

The *locus standi* of the petitioners was objected to on the ground that they were only individual residents in the parish, and that the meaning of the 133rd Standing Order was that, in order to gain a *locus standi*, the inhabitants in a body must petition.

Locus standi disallowed.

(*Law Times Reports*, p. 86.)

EAST LONDON RAILWAY BILL.

Petition of the INHABITANTS of ST. MARY, WHITECHAPEL, and their CLERK.

The object of the bill was (*inter alia*) to authorise the promoters to construct a certain railway, which would pass through the parish of St. Mary, Whitechapel.

The bill was opposed by the petitioners, who were the trustees of the parish, chosen out of the general body of the parishioners, and authorised to make and collect rates, on the ground that a great number of houses would have to be taken down in the course of constructing the railway, and that the rateable value of the parish would be depreciated thereby; and that, as the petitioners were the parties who made and collected rates, they had a right to be heard against the bill on their allegation that the district would be injuriously affected.

The *locus standi* of the petitioners was objected to on the ground

that there was also a petition of the District Board of Works, and that no objection was taken to the *locus standi* of such board, who were the proper parties to represent the district; and that the trustees were neither "inhabitants" nor a "municipal body," within the meaning of the 133rd Standing Order of the House of Commons; and that, if the inhabitants of the district wished to petition, they should hold a meeting, and the majority should decide as to any opposition to the bill.

Locus standi disallowed.

(*Law Times Reports*, p. 98.)

THE DEE AND MERSEY JUNCTION RAILWAY BILL, 1865.

Petition of the MAYOR, ALDERMEN, and BURGESSES of the City of CHESTER, under their common seal, and of certain RIVER DEE COMMISSIONERS, for themselves and on behalf of OTHER COMMISSIONERS.

The object of the bill was (*inter alia*) to authorise the promoters to construct a railway from Connah's Quay to join the Hoylake Railway near Birkenhead, and to carry the proposed railway across the river Dee by means of a viaduct.

The bill was opposed by the Corporation of Chester, who were owners of wharfs and quays on the banks of the river Dee, near the city of Chester, and by the River Dee Commissioners, who were appointed for the purpose of protecting the navigation of the said river to and from Chester. The petitioners alleged that by certain Acts of Parliament the River Dee Company were required to maintain and keep the said river, between certain points, in such a manner that in the computation of an ordinary spring-tide there should be fifteen feet of water in every part of the channel of the river, for ships and vessels to come and go from the city of Chester; and in case such depth were not maintained, then, after the expiration of four calendar months, payment of duties to the River Dee Company should cease; and if, after the expiration of eight months next after the expiration

of the said period of four months, there should be less than fifteen feet of water, it should be lawful for the petitioners, the River Dee Commissioners, to enter upon the lands vested in the said company, which yield a large annual revenue, and to hold the same until they should have raised and received as much money as should be necessary to be expended in regaining the depth of fifteen feet:

That, pursuant to the directions of certain Acts of Parliament, it had been the custom to make frequent examinations of the river, under the direction of two supervisors (one appointed by the Corporation of Chester, the other by the River Dee Company), in order to ascertain if the proper depth was maintained; the result of such examinations being reported to the River Dee Commissioners, whose duty it was to see the navigation duly preserved, and to prevent anything being done which might have the effect either of injuring the same or of preventing or releasing the River Dee Company from fulfilling their obligations in respect thereof:

That the works proposed to be constructed were many of them objectionable, and particularly certain embankments across the estuary of the river Dee, which would have the effect of excluding the tidal waters from a tract of land of large extent, and thereby causing the large quantities of silt brought up by the tide and at present deposited on that tract of land to find their way into the narrow channel of the river, and that such a circumstance might have the effect of releasing the River Dee Company from their obligation to maintain the navigation in the state prescribed by the existing statutes, and of depriving the petitioners, the River Dee Commissioners, and through them the public, of the remedies which they possessed, in the event of the failure of the River Dee Company to fulfil their obligations.

The *locus standi* of the petitioners was objected to on the ground that the Commissioners were not the conservators of the river Dee, but had simply a statutory power enabling them, in case the depth of water in the said river should be reduced below a certain standard, to require the River Dee Company to restore such standard depth, and that such statutory power was not altered or repealed by the bill.

Locus standi disallowed.

(*Law Times Reports*, p. 159.)

THE CONNAH'S QUAY RAILWAYS AND DOCKS (WREXHAM, MOLD, AND CONNAH'S QUAY RAILWAY) BILL, 1865.

Petition of the MAYOR, ALDERMEN, and BURGESSES of the City of CHESTER, under their common seal, and of certain RIVER DEE COMMISSIONERS, for themselves, and on behalf, and as specially authorised by the other COMMISSIONERS.

The object of the bill was to enable the promoters to extend their railway to Connah's Quay, and to construct docks and other works there, communicating with the river Dee.

The bill was opposed by the petitioners on the same grounds as they opposed the Dee and Mersey Junction Railway Bill. The objections to the *locus standi* of the petitioners and the arguments were similar; the only difference in the two cases being that in this bill powers were sought to enable the promoters to construct docks.

Locus standi of the Corporation of Chester allowed; but of the River Dee Commissioners disallowed.

(*Law Times Reports*, p. 161.)

VI. SHAREHOLDERS AND CONSTITUENT MEMBERS OF A CORPORATION.

THE LONDON, CHATHAM, AND DOVER RAILWAY BILL (No. 1), 1865.

Petitions of the LONDON AND NORTH WESTERN and the LONDON AND SOUTH WESTERN RAILWAY COMPANIES.

The object of the bill was (*inter alia*) to confer on the London, Chatham, and Dover Railway equal powers with the petitioners and two other companies of user of the line and stations of the West London Extension Railway Company.

The bill was opposed by the petitioners, who, with the Great Western and the London, Brighton, and South Coast Railway Companies, all of whom had equal rights of using the railway and stations, and were equally represented on the Board of Directors of the West London Railway Extension Railway Company. It appeared, however, that the London and North Western Railway Company were the absolute owners of the Kensington station of the West London Extension Railway Company.

The petitioners contended jointly that, as they used the railway and stations, took tolls, and had their own clerks in every station on the line of the West London Extension Railway, they had a right to be heard against a bill promoted by a company having the same privileges; and the London and North Western Railway Company in addition contended that as the Kensington station was their property, they had, at all events, a right to be heard against any company seeking power to use it.

The *locus standi* of the petitioners was objected to on the ground that the petitioning companies were merely shareholders in the West

London Extension Railway Company, and if they were allowed a hearing individually, any shareholder should be allowed one, which was contrary to the Standing Order of the House of Commons, 131.

Locus standi allowed to the London and North Western Company against so much of the bill as related to the Kensington station, but disallowed as to the other parts of the bill.

Locus standi of the London and South Western Railway Company disallowed.

(*Law Times Reports*, p. 155.)

THE MONMOUTHSHIRE RAILWAY AND CANAL BILL, 1865.

Petition of E. L. C. DAVIES.

The object of the bill was (*inter alia*) to authorise the promoters to execute additional works, and to acquire the Brecon and Abergavenny Canal.

The bill was opposed by the petitioner, who was a shareholder in the Brecon and Abergavenny Canal Company, and also a ratepayer in the parishes of Llanelly and Llangattock, which were traversed by the said canal; and he opposed the bill as a shareholder on the ground that it authorised an improvident sale of the canal, and as a ratepayer on the ground that the Brecon and Abergavenny Canal Company were by act of parliament entitled to certain immunities in respect of rating which ought to be withdrawn.

The *locus standi* of the petitioner was objected to on the ground, first, that being a shareholder in the Brecon and Abergavenny Canal Company, he had no right to be heard against the bill, as that company were joint promoters of the bill, and that before the bill could come into force the sanction of the shareholders in such company would have to be obtained; and secondly, that as a ratepayer he had no *locus standi*, as the bill did not propose to interfere with the former acts regulating the rating of the company.

Locus standi disallowed.

(*Law Times Reports*, p. 327.)

THE WHITECHAPEL AND HOLBORN IMPROVEMENT BILL, 1865.

Petition of the VESTRY OF BERMONDSEY.

The object of the bill was to enable the Metropolitan Board of Works (*inter alia*) to make certain new streets and improvements in the Metropolis, and to raise money for such purpose out of the general rates.

The bill was opposed by the vestry of the parish of Bermondsey on the ground that such parish was inadequately represented at the Board of Works, and the bill imposed upon the parish a heavy liability in respect of works from which the parish could derive no benefit.

The *locus standi* of the petitioners was objected to on the ground that the petitioners were represented at the Metropolitan Board of Works, and that constituent members of a corporation could not be heard against its common seal, and that an analogy in support of this objection was furnished by the Standing Order of the House of Commons 131, as to shareholders.

Locus standi disallowed.

(*Law Times Reports*, p. 31.)

APPENDIX B.

STANDING ORDERS OF THE HOUSE OF COMMONS.

Application to Owners, &c., on or before 15th December.

19. On or before the 15th day of *December* immediately preceding the application for a bill by which any lands or houses are intended to be taken, or an extension of the time granted by any former act for that purpose is sought, application in writing shall be made to the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands and houses so intended to be taken, or which may be taken as being within the limits of deviation defined upon the plan.

Notices when it is proposed to abstract water from any stream.

23. On or before the 15th day of *December* immediately preceding the application for a bill, whereby it is proposed to abstract water from any stream for the purpose of supplying any cut, canal, reservoir, aqueduct, navigation, or waterwork, notice in writing of such bill be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of all mills and manufactories or other works using the waters of such stream for a distance of twenty miles below the point at which such water is intended to be abstracted, such distance to be measured along the course of such stream, unless such waters shall, within a less distance than twenty miles, fall into or unite with any navigable stream, and then only to the owners or reputed owners, lessees or reputed lessees, and occupiers of such mills and manufactories as aforesaid, which shall be

situate between the point at which such water is proposed to be abstracted, and the point at which such water shall fall into or unite with such navigable stream; and such notice shall state the name (if any) by which the stream is known at the point at which such water shall be immediately abstracted, and also the parish in which such point is situate, and the time and place of deposit of plans, sections, and books of reference, and copies of the *Gazette* notice respectively with the clerks of the peace and sheriff clerks, as the case may be.

Burial-Grounds and Gas Works.

Notice to Owners, &c.

24. On or before the *fifteenth* day of *December* immediately preceding the application for any bill for making a burial-ground or cemetery, or the erection of works for the manufacture of gas, notice shall be served upon the owner, lessee, and occupier of every dwelling-house situated within 300 yards of the limits within which the proposed burial-ground, cemetery, or gas-works are intended to be erected or made.

Crown, &c., Property.

Notice to Owners, &c.

25. Previously to the deposit of a petition for leave to bring in a bill relating to crown, church, or corporation property, or property held in trust for public or charitable purposes, or before the first reading of any such bill brought from the House of Lords, notice in writing of such application to Parliament shall be served upon the owners or reputed owners of such property, and the lessees or reputed lessees of such property, holding leases granted for a life or lives, or for any term of twenty-one years or upwards.

Alteration or Repeal of Provisions, Notice to Owners, &c.

26. Previously to the deposit of a petition for leave to bring in a bill, whereby any express statutory provision then in force for the protection of the owner, lessee, or occupier of any property, or for the protection or benefit of any public trustees or commissioners, corporation or person, specifically named in such provision, is sought to be altered or repealed (except in cases where the consent of such parties is by Standing Order 172 required to be proved before the committee on the bill), notice in writing

of such bill, and of the intention to alter or repeal such provision, shall be served upon every such owner, lessee, or occupier, public trustees or commissioners, corporation or person.

Relinquishment of Works.

27. Previously to the deposit of a petition for leave to bring in a bill whereby the whole or any part of a work authorised by any former act is intended to be relinquished, notices in writing of such bill shall be served upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in which any part of the said work intended to be thereby relinquished is situate; and the notices required by this Order, and by Orders 23, 24, 25, and 26, shall be served, and the service thereof proved, in the manner directed by Standing Orders Nos. 20 and 21.

Notice to Owners, &c.

Petition against Bill to specify Grounds of Objection.

128. No petition against a private bill shall be taken into consideration by the committee on such bill, which shall not distinctly specify the ground on which the petitioners object to any of the provisions thereof; and the petitioners shall be only heard on such grounds so stated; and if it shall appear to the said committee that such grounds are not specified with sufficient accuracy, the committee may direct that there be given in to the committee a more specific statement in writing, but limited to such grounds of objection so inaccurately specified.

Competition a Ground of Locus Standi.

130. It shall be competent to the referees on private bills to admit petitioners to be heard upon their petitions against a private bill, on the ground of competition, if they shall think fit.

In what Cases Shareholders to be heard.

131. Where a bill is promoted by an incorporated company, shareholders of such company shall not be entitled to be heard before the committee against such bill, unless their interests, as affected thereby, shall be distinct from the general interests of such company.

In what Cases Railway Companies to be heard.

132. Where a railway bill contains provisions for taking or using any part of the lands, railway, stations, or accommodations of another company, or for running engines or

carriages upon or across the same, or for granting other facilities, such company shall be entitled to be heard upon their petition against the preamble and clauses of such bill.

Municipal Authorities and Inhabitants of Towns, &c.

133. It shall be competent to the committee on any private bill to admit the petitioners, being the municipal or other authority having the local management of the metropolis or of any town, or the inhabitants of any town or district alleged to be injuriously affected by a bill, to be heard against such bill, if they shall think fit.

Railway Company not to acquire Docks, &c.

153. No railway company shall be authorised to construct or enlarge, purchase or take on lease, or otherwise appropriate any dock, pier, harbour, or ferry, or to acquire and use any steam-vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects, distinct from the undertaking of a railway company, unless the committee on the bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded.

Committee to fix the Tolls and Charges.

156. The committee on every railway bill shall fix the tolls, and shall determine the maximum rates of charge for the conveyance of passengers, with a due amount of luggage and of goods on such railway, and such rates of charge shall include the tolls and the costs of locomotive power, and every other expense connected with the conveyance of passengers, with a due amount of luggage and of goods upon such railway; but if the committee shall not deem it expedient to determine such maximum rates of charge, a special report, explanatory of the grounds of their omitting so to do, shall be made to the House, which special report shall accompany the report of the bill.

RULES FOR THE PRACTICE AND PROCEDURE OF REFEREES ON PRIVATE BILLS, FRAMED BY THE CHAIRMAN OF WAYS AND MEANS UNDER STANDING ORDER H. C. 92.

Applications for Hearing before the Referees, how to be made.

PARTIES petitioning against private bills in respect of any of the following matters, and who desire to be heard in opposition by their counsel or agent thereon, viz.:—

"In the case of bills of the second class, for authorising the construction of works, the engineering details of the undertaking, the efficiency of the works for the proposed object, and the sufficiency of the estimate for executing the same;

"In the case of waterworks bills, the nature and amount of the existing and proposed source of supply, the quality of the water in each case, and the provisions as to storage reservoirs;

"In the case of gas bills, the quality of the gas, existing supply, and its price, the amount of pressure, the cost of production, and the modes of testing the purity and illuminating power of the gas;

shall endorse upon their petition, previously to depositing the same in the Private Bill Office, a statement of the grounds (being some one or more of the grounds specified above), on which they desire to be so heard; but it shall be competent to the referees, if satisfied that the omission to make such endorsement in any case occurred through inadvertence or unavoidable cause, to admit the petitioners to be heard before them upon such conditions as they may think fit.

STANDING ORDERS OF THE HOUSE OF LORDS.

181. Section I. Similar to S. O. (H. C.) 19.
II. 23.
VI. 24.
VII. 27.

190. Section 2. That in case any proprietor in any company shall, by himself or any person authorised to act for him in that behalf, have dissented at any meeting called in pursuance of the first and third sections of the aforesaid Standing Order, No. 185 (the Wharncliffe Order), such proprietor shall be permitted to be heard by the examiner on the compliance with such Standing Order, by himself, his agents and witnesses, on a memorial addressed to the examiner, to be deposited, together with two copies thereof, in the office of the clerk of the Parliaments before twelve o'clock of the day preceding that appointed for the examination, or, on petitioning the House, by the committee on the proposed bill, by himself, his counsel, or agents, and witnesses.

Proprietors dissenting at Meeting under Order 185, may petition and be heard against a Bill.

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LONDON: PRINTED BY W. CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS.

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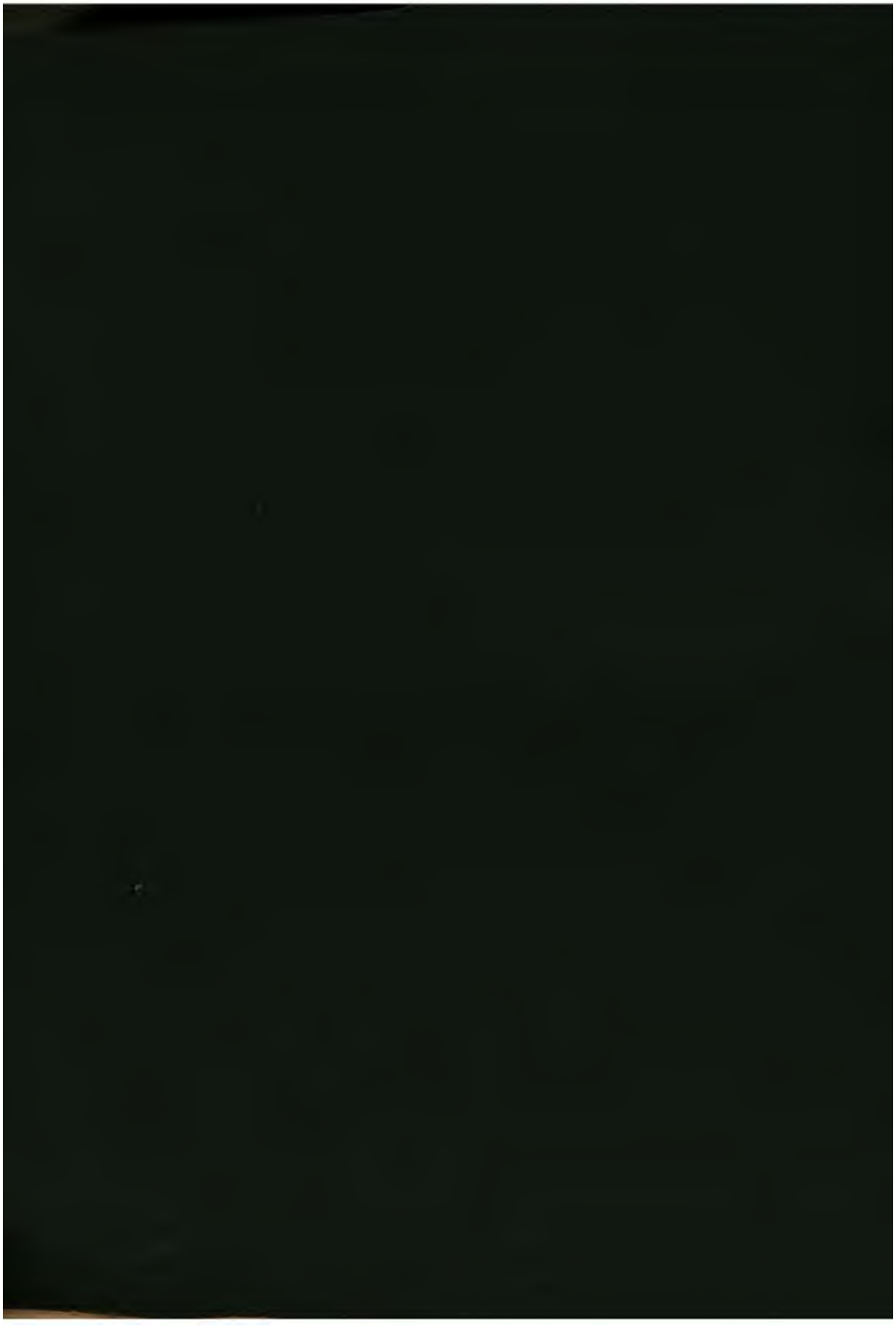

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